

This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

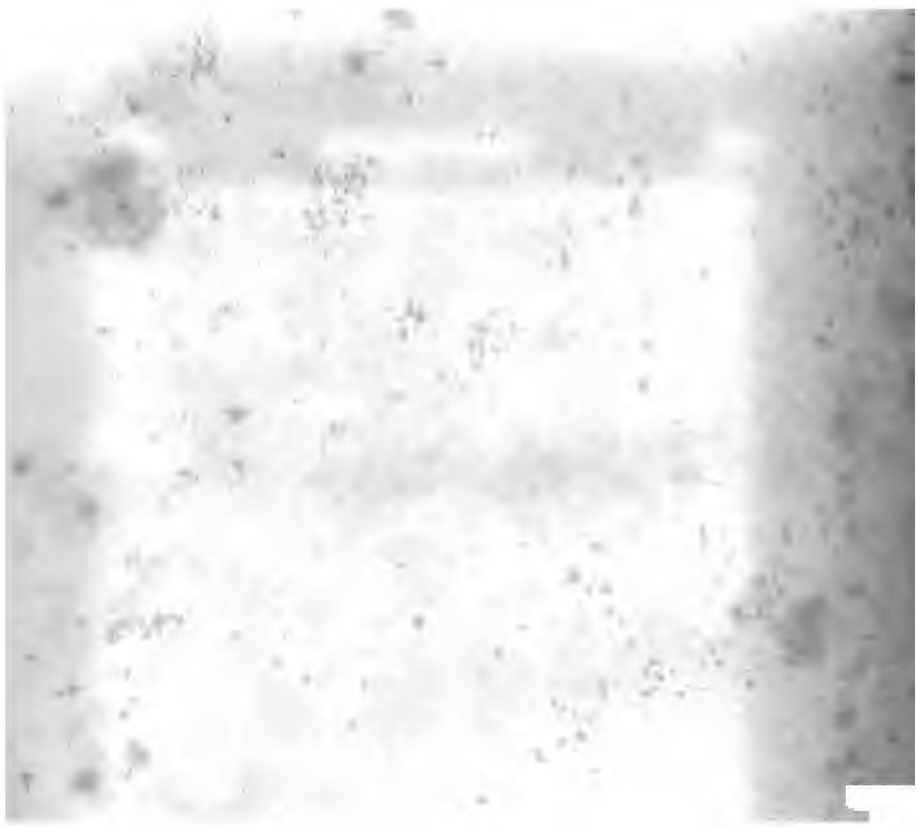
Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`



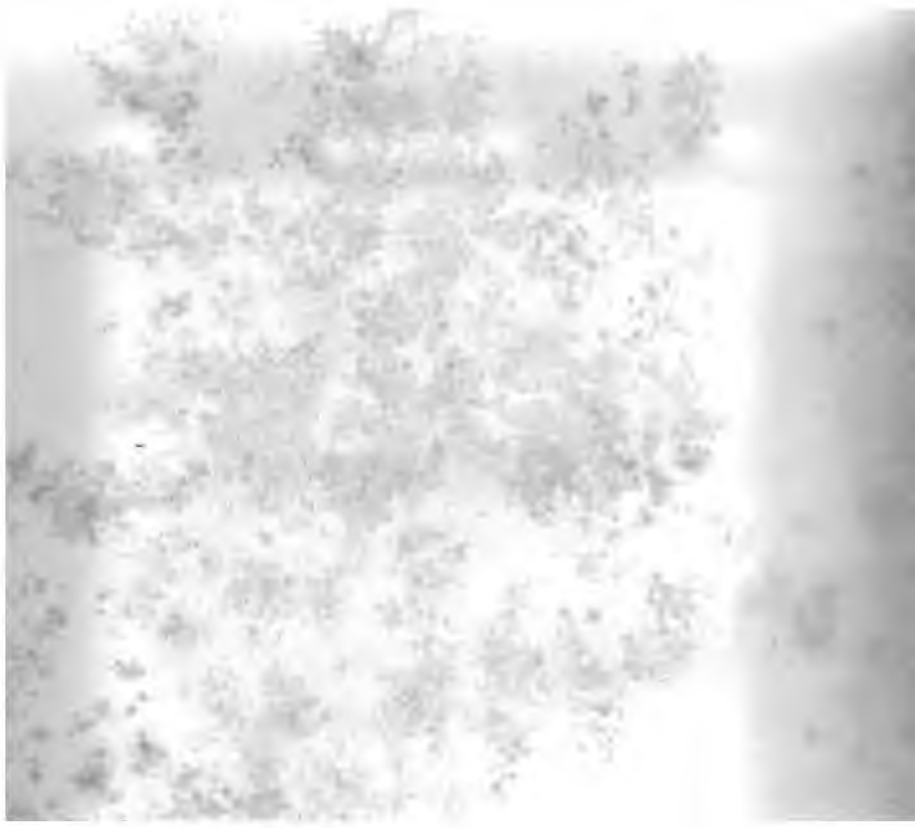


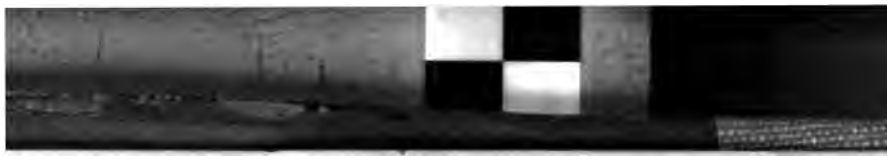














MARTIN VAN BUREN





THE

HISTORY

OF

POLITICAL PARTIES

IN THE

STATE OF NEW-YORK,

FROM THE RATIFICATION OF THE FEDERAL CONSTITUTION TO DECEMBER, 1840.

IN TWO VOLUMES.

By JABEZ D. HAMMOND, L. L. D.

FOURTH EDITION, CORRECTED AND ENLARGED,

TO WHICH ARE ADDED,

NOTES BY GEN. ROOT.

VOL. II.

BUFFALO:
PUBLISHED BY PHINNEY & Co.

1850.



Entered according to an Act of Congress in the year 1842, by JABEZ D HAMMOND, in the office of the Clerk of the Northern District of New-York

294662

CONTENTS.

CHAPTER XXVII.

[Convention.]

Selection of delegates made a party question—Names of distinguished delegates, 2–3—Dutchess delegation—D. D. Tompkins president—Reporters, 4—Committee of thirteen—Subjects referred to committees, 5—Gen. Tallmadge's report for abolishing the council of revision, 7—Gov. Tompkins' proposition, 8—Livingston's amendment on the Gov. veto, 8—Sheldon's report on the term of Gov's. office, 9—Van Buren's speech, 11–12—Report on senatorial districts, 13—On the eligibility of members of the legislature for receiving office by appointment during the term for which they were elected—Tenure of office—Common school fund inviolable, 14—Elective franchise—Peter A. Jay's remarks on negro suffrage, 15–18—Further debates—Root, Young, Van Buren, &c., 18–23—Speeches of Judge Spencer, Kent, Root, 23–47—Remarks, 48—Report of committee on the judiciary, 53–54—The appointing power, 54–72—Address of the convention to the people, 80—Bacon's speech, 81—Thanks to president—his reply, 83—Convention adjourned—Last political action of Gov. Tompkins, 84.

CHAPTER XXVIII.

[From Nov. 18, 1821, to Jan. 1823.]

Meeting of congress—Taylor elected speaker, 86—Legislature assembles—Romaine speaker, 87—Governor's speech—Ulshoeffer's resolution, 89—Report on answer, 90—Clintonian party dissolved—Last council of appointment, 91—Laws respecting election—Lottery system—Contract of Dr. Nott with McIntyre and Yates, 93—Majority for new constitution, 94—S. Van Rensselaer appointed P. M. at Albany, 95—Dispute about candidate for Gov., 97—Yates and Young—Yates nominated—Southwick a candidate, 100—Yates elected, 101—Names of senators elected, 102—Democratic majority, 104.

CHAPTER XXIX.

[From Jan. 1, 1823, to Jan. 1, 1824.]

Meeting of legislature—P. R. Livingston speaker—Letter from J. Sutherland, 106—Remarks on executive message—Nomination of judges of supreme court, 108—Spencer and Platt rejected, 110—Sanford chancellor—Savage and Sutherland appointed Judges of Supreme Court—their character—Betts rejected by senate, 113—Contest in caucus respecting office of comptroller, 115—Rejection of nomination for notary public, 116—Circuit Judges—their compensation, 117—Croswell and Leake state printers, 121—Resolution proposed to discontinue the use of titles, 123—Candidates for presidency, 125—M. M. Noah—Schisms in N. Y., 130—Electoral law, 121—"People's Party," 132—Address to Chan. Kent, 133—Death of John Wells, 135—and of Brockholst Livingston, 136—Smith Thompson U. S. Judge, 137—Death of Judge Van Ness, 138.

CHAPTER XXX.

[From Jan. 1, 1824, to Jan. 1, 1825.]

Legislature convene, 139—Goodell speaker—Gov. message—Revision of statutes, 140—Mode of choosing presidential electors, 143—Committee of nine, 144—Caucus at Washington, 149—Harrisburg convention nominate Gen. Jackson, 150—Wright's plan for choosing presidential electors, 152—Electoral bill rejected in the senate, 153—Efforts to render Gov. Yates unpopular, 154—Author of articles signed Buffalo—Col. Young nominated for Gov. 155—Albany Regency—People's Party caucus, 157—Gen. Jackson nominated in N. Y., 158—Clinton removed from office of canal commissioner, 159—Speech of Cunningham, 160—Meeting at Albany on removal of Clinton—McKown's resolutions, 165—Clinton's friends insist on supporting him for Gov., 165—Gov. Yates—effect of his message on his popularity, 166—Change of the state printing, 167—Extra session of the legislature and resolution of Mr. Flagg, 168—Preparations for Utica convention, 170—Haines' activity in procuring Clinton's nomination—Clinton's nomination opposed by the People's Party, 171—Utica convention, 173—People's Party propose John W. Taylor, 173—Clinton nominated—Col. Young's letter, 174—Result of election—Senators elected, 175—Presidential electors, 176—Chemical Bank, N. Y., 178.



CHAPTER XXXI.

[From Jan. 1, 1825, to Jan. 1, 1826.]

Nov. session, 181—Revision of the statutes—Hold over act, 182—Attempt to persuade Clinton to conciliate the People's party, 183— Legislature assemble—Crolius speaker—Subjects of Gov's. message, 185—Presidential votes, 188—Attempts to choose U. S. senator, 192—No election, 195—In assembly, want of unity, 196—Dudley U. S. senator—G. H. Barstow, treasurer—Adams tenders to Clinton the appointment of minister to G. Britain—who declines, 199—King appointed—Commissioners to survey southern state road, 201—Clinton visits Philadelphia and Ohio, 203—Death of Judge Skinner—Appointment of Conklin, 204—Celebration of completion of canals, 205—Senators elected, 206—Congress meet—J. W. Taylor speaker, 207.

CHAPTER XXXII.

[From Jan. 1, 1826, to Jan. 1, 1827.]

Legislature meet—Col. Young speaker, 208—Gov's. message; 209—S. Jones chancellor, 212—Appointment of state officers, 214—Communication of Mr. Ward, 215—Election of justices of the peace by the people—Commissioners report on state road, 218—Bill for constructing road indefinitely postponed, 223—Rochester minister to Panama, 225—Democratic members of assembly recommend convention for nominating Gov., 228—Vote of thanks to Col. Young, 229—Death of Adams and Jefferson—and Judge Van Ness, 230—Clinton nominated for Gov.—Huntington for Lieut. Gov., 231—Convention at Herkimer, 233—Nomination of Judge Rochester and Gen. Pitcher, 233—Clinton and Pitcher elected, 235—Democratic majority in legislature, 236.

CHAPTER XXXIII.

[From Jan. 1, 1827, to Jan. 1, 1828.]

Masonic societies—William Morgan arrested, 238—Clinton being a mason loses votes, 239—Judge Rochester leaves for Panama—Legislature meet, 241—Gen. Root speaker, 242—Gov's. message—on canals—on banks, 244—Debates on state road, 245—Democratic party well organized, 252—Opposition to Adams, 253—Jackson party, 254—A convention in favor of protecting manufactures, and resolutions, 257—Meeting at Tammany Hall in favor of Jackson—protest, 258—Death of Thomas A. Emmet, 261.

CHAPTER XXXIV.

[From Jan. 1, 1828, to Jan. 1, 1829.]

Legislature convene—Root speaker—Distinguished members of both parties, 262—Gov. Clinton's last message, 264—Wardwell's resolution on the tariff—Death of Clinton, 266—Remarks on his character, 270-6—sum of money granted to his family, 278—Pitcher acting Gov.—message recommends prosecution for the murder of Morgan, 277—Judges of Superior court of N. Y. appointed, 279—Walworth appointed chancellor, 280—Legislative caucus—Porter secretary of war, 281—Adams convention, 282—Political anti-masons—Adams' state convention at Utica, 284—Thompson and Granger, Adams' candidates for Gov. and Lieut. Gov., 285—Van Buren and Throop democratic candidates—Presidential electors, 289.

CHAPTER XXXV.

[From Jan. 1, 1829, to Jan. 1, 1830.]

Legislature convene—Jordan resigns, 292—Gov.'s message, 293—on banking, 297—Dudley elected U. S. senator, 303—State officers, 304—Prosecution for the murder of Morgan, 305—Van Buren secretary of State—Throop acting Gov. 306—Death of E. C. Gross—and John Jay, 310—and of J. V. Henry—his character, 313—Result of election, 315.

CHAPTER XXXVI.

[From Jan. 1, 1830, to Jan. 1, 1831.]

Gov.'s message—recommends insane asylum, 317—Distribution of avails of public lands, 318—Livingston supports Clay, 324—Distinguished members of assembly, 325—N. Y. Banks petition for modification of safety fund law—Canal commissioners report on Chenango canal, 327—Lush's resolution, prohibiting small bills, 329—Working men's party, 331—Their nomination of Gen. Root for Gov., 331—Legislative caucus in favor of Gen. Jackson, 2d term, 333—Anti-masons nominate Granger for Gov., 334—Results of election, 336—Evening Journal antimasonic—Thurlow Weed, 338—Clay nominated for president, 340.

CHAPTER XXXVII.

[From Jan. 1, 1831, to Jan. 1, 1838.]

W. H. Seward senator, 343—Gov's. message, subjects internal improvements—capital punishment—imprisonment for debt, 344—Jackson adverse to renewal of U. S. Bank charter, 349—Resolutions in assembly relating to it, 351—Disposition of surplus revenue, 353—Jackson candidate a second term, 354—Difficulties at Washington respecting Mrs. Eaton, 356—Van Buren and Eaton resign, 363—Van Buren appointed minister to London, 365—Convention of National republicans at Albany, 366—Death of Monroe, 367—Members of senate elected, 369.

CHAPTER XXXVIII.

[Political Anti-Masonry.[

Abduction of Morgan—imprisoned, 369—Carried to Niagara—his book, 370—Commissioners appointed to ascertain his fate—Meetings held, 371—Great excitement, 374—Trial of Lawson, 375—Anti-masonry not yet political—Delegates sent to Lewiston, 375—Efforts to suppress Morgan's book, 377—Political anti-masonry, 379—Masonry a test at elections, 381—Parties at the west change ground, 383—The "infected district"—Morgan's "Illustrations," 384—Le Roy convention, 385—Convention at Utica, 386—Southwick candidate for Gov. 389—Van Buren elected Gov., 391—Antimasonic convention at Albany—Memorial to the legislature, 394—Investigation not encouraged, 395—Granger nominated for Gov.—Throop elected, 397—Union of anti-masons and national republican party, 398—summary, 400.

CHAPTER XXXIX.

[From Jan. 1, 1832, to Jan. 1, 1833.]

New members of legislature, 404—Resolutions against renewing charter of U. S. Bank, 407—Van Buren nominated minister to London, rejected, 408—"Indignation meetings"—Discussions on financial concerns of state, 411—National republican convention at Utica—District system for choosing presidential electors abolished, 418—Jackson's message. 419—Death of W. H. Maynard, 420—Herkimer convention nominate Marcy, 422—Tracy nominated Lieut. Gov., 422.

CHAPTER XL.

[From Jan. 1, 1833, to Jan. 1, 1839.]

Albany regency—Democratic party united, 429—S. Wright U. S. senator, 431—Tallmadge U. S. senator—Removal of deposites, 433—B. F. Butler U. S. attorney gen.—M. Hoffman canal commissioner, 436—Judge Denio, 437—Bill for abolition of capital punishment, 438—Distress produced by operation of U. S. Bank—Whig party, 439—Governor's message, recommending loan of state credit to banks, 441—Whigs nominate Seward—Democrats nominate Marcy, 442—Van Buren nominated for president—Bill for enlarging Erie canal, 445—Remarks on granting bank charters, 447—Speculation, 449-52—District school libraries, 453—Association for abolition of slavery 455—Legislature loan money to the Erie R. R. Co., 457—Additional canal commissioners—Senators charged with speculating in stocks, 459—Death of Madison, 460—Debates on free banking, 464—Death of Van Vechten, and Yates—Van Buren's inaugural, 466—Causes of pecuniary distress, 468—Banks suspend specie payment, 470—Extra session of congress, 472—President's message—Sub treasury, 475—Banks in N Y.—their prudent conduct, 476—Whig majority, 479—General banking law, 494—Conservative caucus at Syracuse, 496—Insurrection in Canada, 497.

CHAPTER XLI.

[Equal Rights, or Loco Foco party.]

The Equal Rights party in N. Y., 490—Origin of the name of Loco foco, 491—Declaration of rights, 492—Propose Col. Young for Gov.—Convention at Utica, 496—their address—nominate I. S. Smith for Gov., 498—their definition of the rights of man—Dissolution of the party, 500.

CHAPTER XLII.

[From Jan. 1839, to Jan. 18-

Governor's message—Canal commissioners—Lunatic asylum—Free banking—Monument to Clinton, 504—Death of S. Van Rensselaer—Repeal of small bill law, 509—President appoints Bleecker and Leggett to missions, 514—Van Buren's visit to N. Y., 515—Harrison nominated for president, 518—State printing, 524—Independent Treasury bill, 526—Mass meeting, 527—Observations on presidential election—Conclusion, 532.



POLITICAL HISTORY

OF

NEW-YORK.

CHAPTER XXVII.

CONVENTION.

I AM now to approach a period in the political history of this state when an event occurred, in a measure unprecedented in any other part of the world, but which, highly to the honor of this country, and fortunately for its inhabitants, is not unusual in the United States. The event to which I allude, is a change, by the will of a majority of the people, peaceably and constitutionally expressed, of some of the important and fundamental principles of the government—I say important and fundamental principles, because the sovereign power of creating the executive and one branch of the legislative department of the government was, partially, transferred from one class of men to another, and because the power of disposing of nearly the whole patronage of the state was actually changed; and, I may add, that one branch of the law making power was abolished, and the functions held and exercised by that department, transferred to an individual. In past ages, in every other country, such a change could only have been effected by physical force; here it was brought about by moral power.



The bill to amend and revise the constitution of the state of New-York, became a law on the 13th of March. By this law, which had been sanctioned by an immense majority of the people, delegates to propose alterations and amendments to the constitution, were to be elected on the third Tuesday of June, 1821. The people of the state, in pursuance of this recommendation, which by their vote they had virtually sanctioned at the annual election in April, elected delegates from the several counties of the state.

In most of the counties the selection of the delegates was made a party question, and a very large majority of those who were chosen belonged to the democratic party. The county of Oneida, however, furnished an exception to this rule of action. From that county Nathan Williams, Jonas Platt, Henry Huntington and Ezekiel Bacon, were elected. Mr. Williams was a democrat, Judge Platt had been a uniform federalist ever since the election of John Jay as governor, and Mr. Huntington and Mr. Bacon were republican Clintonians.

The members of this grand convention assembled at Albany, on the 28th of August. When convened, they presented an array of talent, political experience, and moral worth, perhaps never surpassed by any assemblage of men elected from a single state.

The following gentlemen were among the most distinguished of those who were elected by the democratic party:—From New-York, Nathan Sanford, Jacob Radcliff, William Paulding, Henry Wheaton, Ogden Edwards and Peter Sharpe; from Oneida, Nathan Williams; from Orange, John Duer; from Cortland, Samuel Nelson, who was then a young man, and, for the first time, made his appearance in public life, but who is now chief justice of the state; from Otsego, Martin Van Buren, who, though not a resident of the county, was elected by the people

of that county, under an impression that the public good required that he should participate in the proceedings of the convention; from the county of Richmond, Daniel D. Tompkins, vice-president of the United States; from Saratoga, Samuel Young; from Schoharie, Jacob Sutherland, who also, then for the first time, made his appearance in public life, but who was afterwards a judge of the supreme court; from Delaware county, Erastus Root; and from Queens county, Rufus King, of whom, as a man eminent for his talents and standing, I need not speak, except to state, that, although from the organization of the government down to 1820, when Clinton was re-elected governor, he was a consistent and uniform federalist, but, at that election, his sons, and it is presumed, that he also, preferred the election of Tompkins to that of Clinton; and from that circumstance, connected with his election as United States senator in the fall session of 1820, by the New-York legislature, he was claimed as a democrat, and elected as such, a delegate to the state convention, by the democrats of the county of Queens.

Among the distinguished men who were chosen members of this body, belonging to the other party, may be numbered Stephen Van Rensselaer, James Kent, Ambrose Spencer and Abraham Van Vechten, from Albany county; William W. Van Ness, Elisha Williams and J. Rutsen Van Rensselaer, from the county of Columbia; Peter A. Jay, of Westchester county, who, even if he had not been the son of the great and good John Jay, would notwithstanding have been regarded as one of the first order of men; and Judge Platt and Ezekiel Bacon, of the county of Oneida.

Gen. James Tallmadge, heretofore a very zealous Clintonian, had been elected from the county of Dutchess, on the same ticket with Peter R. Livingston. These gentlemen, for a long time previously, had been strenuously opposed to each other. Their election must have been



produced by an union of political parties in Dutchess, for the purpose of the election of delegates to the convention. Such an union, if formed solely with the view of selecting the most competent men to re-model and revise the constitution, was certainly laudable, and this *may* have induced the people of Dutchess county to elect Mr. Livingston and Mr. Tallmadge; at the same time the veracity of history requires me to state, that in no part of New-York were political bargains more common than among some of the politicians of Dutchess county, and that Mr Livingston and Mr. Tallmadge were prominent party leaders in that county.

When the delegates assembled they were called to order by Gen. Root, who, in a brief but very appropriate speech, pointed out the objects of the assemblage. It would seem that one hundred and ten delegates were present; for Daniel D. Tompkins received ninety-four votes for the office of president, and there were sixteen scattering votes.

John F. Bacon and Samuel L. Gardner were appointed clerks of the convention, and Wm. L. Stone, Nathaniel H. Carter, M. T. C. Gould, Levi H. Clarke and Moses I Cantine, were admitted within the bar as stenographers.

Mr. Carter and Col. Stone published an account of the proceedings of the convention, and the history hereafter given of what occurred in that body is mainly collected from the work published by them.*

On the morning of the 30th of August the convention again assembled, when Mr. Rufus King, after some preliminary remarks, made a motion for the appointment of a committee to consist of thirteen members, whose duty it

* Since this chapter was written I have ascertained, from unquestionable authority, that the labor of reporting and preparing for the press the proceedings of the convention, was performed almost solely by Col. Stone. The accuracy with which the speeches of members is given has never, I believe, been questioned. The ability and impartiality evinced by the reporter entitle him to the respect and gratitude of the public.

should be to consider and report the manner in which it would be convenient to take up the business of the convention. The motion was agreed to, and Mr. King of the county of Queens, Mr. Sanford of the county of New-York, Mr. Tallmadge of the county of Dutchess, Mr. Root of the county of Delaware, Mr. Kent of the county of Albany, Mr. Pitcher of the counties of Washington and Warren, Mr. Sheldon of the county of Montgomery, Mr. N. Williams of the county of Oneida, Mr. Yates of the county of Schenectady, Mr. Birdseye of the county of Onondaga, Mr. Nelson of the county of Cortland, Mr. Swift of the county of Ontario, and Mr. Russell of the county of Niagara, were appointed members of the committee.

This committee, on the same day, reported:—

1st. That so much of the constitution as related to the legislative department, be referred to a committee to take into consideration the expediency of making any, and if any, what alterations therein, and to report such amendments as they may deem expedient; and on this committee Messrs. King, Kent, Paulding, Sage, Rose, Ten Eyck and Lawrence, were appointed.

2nd. The same resolution with respect to the executive department; and Messrs. Sheldon, Wendover, Huntington, Yates, Stagg, Pitcher and Hogeboom were appointed on this committee.

3d. The same with respect to the judiciary department; and the committee appointed consisted of Messrs. Munro, N. Williams, J. Sutherland, Sylvester, Wheaton, Duer and Wheeler.

4th. The same in relation to the council of revision; and Messrs. Tallmadge, Platt, Ward, Nelson, Brooks, Russell and Van Horne, were appointed members of this committee.

5th. The same with respect to the power of appointment to office; and this committee was composed of



Messrs. Van Buren, Birdseye, Collins, Buel, Child, Edwards and Rhinelander.

6th. The same in regard to the right of suffrage, and the qualification of persons to be elected; and this committee consisted of Messrs. Sanford, S. Van Rensselaer, Peter R. Livingston, Fairlie, Young, Cramer and Ross.

7th. A like resolution was passed in regard to the rights and privileges of the citizens of this state; and Messrs. Sharpe, Spencer, Hunter, I. Smith, Lefferts, M'Call and Richards were named as members of this committee.

8th. The same with respect to all parts of the constitution not included in the foregoing resolutions; and this committee consisted of Messrs. Radcliff, Bacon, R. Clarke, Pike, Schenck and Briggs.

This last resolution would seem to have covered the whole ground not previously parcelled out, but the committee of thirteen reported two other resolutions, which were—

9th. With respect to the commencement of the legislative year, and the term for which every elective officer may be elected. Messrs. Root, Lansing, J. R. Van Rensselaer, Price, Beckwith, Rosebrugh and Burroughs were appointed on this committee.

10th. In relation to the mode of making future amendments to the constitution. The persons appointed to consider and report upon this matter were Messrs. Swift, Van Vechten, Barlow, Steele, Tuttle, E. Williams and Verbryck.*

* A very slight glance at these committees exhibits the temper and feeling of the majority of the convention, towards their political opponents. The chairmen of these ten committees were all members, and most of them zealous members, of the dominant party in the state, unless the appointment of General Tallmadge, as chairman of the committee on the council of revision, may be considered as an exception. But it was then well understood that he was about changing, if he had not already changed, his political position. He was offended at the appointment of Mr. Oakley to the office of attorney general—an office to which Mr. Tall-

Notwithstanding this subdivision of the matters of which the convention appeared disposed to take cognizance, it was very evident that the great and absorbing objects which would engross the attention of that assembly were the following:—

First. An alteration in the judiciary system.

Second. The abolition of the council of revision, or a transfer of the veto power.

Third. A change of the appointing power.

Fourth. An extension of the right of suffrage.

On the 3d September General Tallmadge reported in favor of abolishing the council of revision, and recommended that the veto power should be vested in the governor for the time being. He stated that the committee had designedly omitted to make a written report of the reasons upon which they acted; because, if each committee were to assign the reasons for the alterations in the constitution which they might propose, those reasons might have an improper influence upon the construction which might be given to the constitution, after its revision and adoption by the people. When the report of the select committee was considered in committee of the whole, every member present voted in favor of the proposition to abolish the council of revision; but when the convention took into consideration the substitute proposed, a long and interesting debate ensued. The select committee, as I have already stated, reported that the veto power should be vested in the governor, and that, when he disapproved of a bill, he should return it with his ob-

madge supposed himself entitled—and from the time of Mr. Oakley's appointment, and his disappointment, he was opposed to Gov. Clinton.

If the president of the convention had not intended to introduce some species of party machinery into that house, it is impossible to account for his neglect of such men as Chancellor Kent, Chief Justice Spencer, Judge Van Ness, Judge Platt, Peter A. Jay, Elisha Williams, and several other gentlemen eminent for their standing and talents.



jections, to the house in which it originated, and that, unless two-thirds of the members of both houses then voted for the bill, it should not become a law.

Gov. Tompkins proposed to associate a council with the governor. This proposition, had it been adopted, would not have essentially altered the third article of the constitution of 1777, except that Governor T. proposed that the councillors who should be associated with the governor, should be composed of persons other than the high judicial officers of the state. This proposition was not sustained by any considerable portion of the convention.

The question which elicited the most interesting debate grew out of a motion made by Mr. Livingston to amend the report of the select committee, so that if after a bill was sent back by the governor, a majority of all the members elected in both houses should vote for it, it should then become a law notwithstanding the objections of the governor. Mr. Livingston supported his amendment by an argument of some length and great ability. He thought that to invest a single individual with the power of overruling the majority of the two houses of the legislature, was both unreasonable and dangerous. He would not consider the proposition so absurd if the governor was authorized to decide only upon the question whether the proposed law was or was not constitutional; but he believed, to allow him to set up his own opinion, on the expediency of a bill against the majority of the legislature, was anti-republican and inconsistent with the genius of our free institutions. He was replied to in a very able manner by judge Platt, who, in the course of his argument, stated the very curious fact, that the first bill passed by the senate and assembly under the constitution of 1777, was rejected by the council of revision on the ground of inexpediency alone. Mr. Livingston's amend-

ment was ultimately rejected by a vote of ninety-five to twenty-six.

Mr. Dodge of Montgomery, afterwards renewed substantially Mr. Livingston's motion, by proposing, that when the governor returned a bill on the ground of its unconstitutionality, unless two-thirds of both houses voted for it, it should not become a law; but if the governor should refuse to approve of a bill for the reason, that in his judgment it was inexpedient, then if a majority of the members elected, voted for it, it should become a law, notwithstanding the objections of the governor. To this proposition Mr. Bacon of Oneida, replied, that it was in substance the same as that which had been offered by Mr. Livingston, and that to vest the power of judging of the expediency of bills in the governor, was far more important to the interests of the public than that of judging of the constitutionality of laws; for the judicial tribunals were required to declare a law null and void which in their judgment was unconstitutional; and he believed that this power thus vested, furnished our best security against any violation of the constitution by the law making power. Mr. Dodge's proposed amendment received a more feeble support than Mr. Livingston's. The discussion and decision of this question, did not appear to elicit any party feeling in the convention. I perceive that General Root voted in favor of Mr. Livingston's amendment.

Mr. Sheldon, from the committee on the executive department, at a very early day reported some slight alterations in the constitution, the most material of which was that the governor should be elected biennially. The convention went into committee of the whole on this report on the 13th of September, and the discussion was principally confined to the length of the term for which the governor should hold his office. Some members of the



convention were for the term of three, but a greater number were for one year only.

Mr. Sutherland of Schoharie, was for three years, and made a very able speech in support of that opinion. He was sustained by the chancellor and judges of the supreme court, Mr. Jay and several other persons eminent for their talents and standing. But a very large majority of the convention (eighty-nine to thirty,) were opposed to the term of three years.

A majority of the democratic party in the convention were for one year only. Their views were advocated by General Root, Mr. Hogeboom of Rensselaer, Peter R. Livingston, and Mr. Briggs of Schoharie.

I may as well observe here, that Mr. Briggs was a man of sterling good sense, who had been bred a mechanic, and was in principle a firm and decided democrat of the New-England school. In some of his views he may have been ultra, but in all his movements, except his course on the question of disfranchising the black population, we perceive an anxious desire to secure the rights of the many against the open or secret attacks of the few. I make these remarks, because I think that if the reporter has done injustice to any of the members of the convention, he has done it to Mr. Briggs. For while it is evident that in giving a synopsis of the speeches of other gentlemen, he has presented them to his readers in a more polished form than it can fairly be presumed they were delivered, he takes care to give the very words of Mr. Briggs, which no doubt were sometimes rough and harsh. Those who know Mr. B. will justify me in the assertion that he is a man of sound mind and good judgment.

The question was finally carried for a two years term, as against one, by a majority of two votes only, (sixty-one to fifty-nine.)

It is not a little curious to perceive, that those who may on this occasion be called the ultra-federalists, were for three years, while the ultra-democrats were equally strenuous for one. On the final vote, the federalists voted with the moderate democrats for two years.

During this discussion, Mr. Van Buren addressed the convention in favor of the term of two years, and in his speech he presented a very fair and candid view of the arguments by which each of the parties supported their respective positions. As it may be interesting and useful to know on what ground the advocates of these three adverse opinions sustained themselves, I have thought that it would not be unacceptable to the reader to present him with the following very imperfect sketch of Mr. Van Buren's speech:—

Mr. Van Buren, before the question was taken, wished to explain the reasons of the vote he should give. "There are three distinct propositions before this convention—one, for filling the blanks with one year—another, with two—and a third, with three. He should consider each. One of the great objects of this convention, to which the people looked with so much solicitude, is the hope that by the amendments which shall be adopted, party violence in our politics, will in a great measure be done away. It is not to be denied, that very many of our own citizens, and those of other states, entertain an opinion, that the source of our discord is the great favor and patronage of the governor; and think this discord can only be allayed by making the governor a mere nominal head—a creature of the legislature. Though he did not assent in its extent to the propriety of this radical change, it would be unwise to neglect what public sentiment has so distinctly pointed at. Yet we must not disguise to ourselves the fact, that we have already augmented, rather than diminished, the power of the executive. We have given him the exclu



sive veto by an immense majority, and by the voices of the judiciary themselves, who formerly partook of this power. We have also invested him with the power of pardoning, and under these circumstances, he would have preferred waiting till we know what other power will be given to the governor, before we decided on this term. The majority of this committee had decided otherwise; and the vote he should give on this question, would therefore be given under the expectation, that we shall increase still more the power of the executive, by a vast increase to his appointing power. The branch in which this power formerly resided has been unequivocally condemned by the public opinion; and there is no other hand, in which it could be safely trusted, except the executive. With this feeling, then, he could not but think, that as we increase the power of the executive, we should also increase the responsibility of the governor. We should bring him more frequently before the people. His conflicts, if any, will not be with the legislature. He was rendered by the provision now proposed, utterly and entirely independent of the legislature. Of the people he did not think he should be rendered so independent. In the exercise of the veto, which will only take place on important occasions, he will be supported, if he should have acted manifestly for the public good. He had not experienced the evils of triennial elections; but as we had vastly increased the power of the governor, a strong desire is manifested to abridge his term, and in this sentiment he concurred. But how abridge it? We wish the people to have an opportunity of testing their governor's conduct, not by the feelings of temporary excitement, but by that sober second thought, which is never wrong. Can that be effected if you abridge the term to one year? No, sir: it is necessary that his power exist long enough to survive that temporary excitement, which a measure of

public importance must occasion, and to enable the people to detect the fallacy with which the acts of the government may be veiled as to their real motives. Can a fair judgment of motives, or of the effect of measures, be made in a few months? No, sir—even a term longer than three years, must sometimes be necessary to enable us to judge of the effect of measures. But we must not go into extremes, or we shall arouse the jealousies of the people, in weakening the responsibility to them, of their public officers. Let us test the question by reason. You have a state and population, whose concerns bear a strong analogy to the interests of the union. Can a governor, in a term of one year, make himself acquainted with the interests, the wants, and condition of this great state? There was one remark he made with great deference—in all the eastern states, the tenure of the chief magistrate is for only one year; and the majority of this convention have imbibed their notions under those constitutions, and naturally consider them wise. Others, who have lived under the constitution of this state, have preferred, as he had been accustomed to do, the tenure of three years; and he asked, if there was not some respect, some comity due, to those who have viewed this, among other provisions of our constitution, with reverence. For these reasons he hoped the blank would be filled with two years."

On the 30th of September, the committee on the legislative department reported in favor of retaining the number of members in the senate as fixed by the conventionof 1801, but they recommended that the state should be divided into seventeen senatorial districts, each district to elect two senators, except the ninth and seventeenth, which were each to elect one senator only. The committee finally agreed to divide the state into eight districts, and each district is entitled to elect four senators. Under the old constitution it will be recollected that the state was divided into four



great districts, which it was intended should send to the legislature an equal number of senators. Under this arrangement, as many times very obscure men were put in nomination for that important office, it was impossible for an immense majority of the electors to have any personal knowledge of the candidates for whom they were called on to vote. The best system undoubtedly would be to divide the state into thirty-two districts, and by that means bring the electors more directly in contact with the candidates; but as this cannot be done without dividing counties, which would produce great inconvenience, perhaps our present system is as unexceptionable as any that can be devised.

The select committee further recommended that no member of the legislature should be capable of receiving any office from the appointing power in the state during the term for which he was elected; and that no member of congress, nor any person holding an office, either civil or military, under the government of the United States, should be eligible to a seat in either branch of the legislature. This excellent provision was adopted, notwithstanding the committee on the green bag message had but a very short time before so severely censured Gov. Clinton for intimating that it was wrong for Mr. Skinner to be a member of the senate and council of appointment, while at the same time he held the office of a judge of a district court of the United States.

The same committee also recommended, that all persons holding offices, the tenure of which was declared by the constitution to be during good behaviour, should be removable by a joint resolution, two-thirds of each house agreeing to such resolution; and further, that the capital of the common school fund should forever remain inviolable.

These excellent provisions were, in substance, adopted.

On the 19th of September the question in respect to the elective franchise, or rather, in what class of the citizens of this state the sovereign power should be vested, came on for discussion. A sovereign is he who exercises a power without human responsibility for the manner in which it is executed. Such a power cannot be exercised in this community, by any person whomsoever, except by the elector at the polls of an election. He, and he only, is alone accountable to his own conscience and to his God.

Mr. Sanford, from the committee to whom that subject had been referred, reported that every male *white* citizen of the age of twenty-one years, who had resided six months in the state, who had, within one year, paid taxes, or been assessed and actually worked, or commuted for work, on the highways, or had been enrolled and served in the militia, should be entitled to vote for all officers of the government elected by the people; and very briefly stated the grounds upon which the committee had made that recommendation. The reader will perceive that this amendment, in effect, abolished the property qualification of voters.

Before the great question as to the freehold qualification was agitated, Mr. Peter A. Jay moved to strike the word "*white*" from the section. This proposition involved the right of the colored population of the state to vote at elections. Mr. Jay, on this subject, said:—

"The chairman of the select committee has given a fair and candid exposition of the reasons that induced them to make the report now under consideration, and of the motives by which they were governed. He has clearly stated why they were desirous of extending the right of suffrage to some who did not at present enjoy it, but he has wholly omitted to exp'ain why they deny it to others who actually possess it. The omission, however, has been supplied by one of his colleagues, who informed us that



all who were not white ought to be excluded from political rights; because such persons were incapable of exercising them discreetly, and because they were peculiarly liable to be influenced and corrupted. These reasons, sir, I shall notice presently. When this convention was first assembled, it was generally understood that provisions would be made to extend the right of suffrage, and some were apprehensive that it might be extended to a degree which they could not approve. But, sir, it was not expected that this right was in any instance to be restricted, much less was it anticipated, or desired, that a single person was to be disfranchised. Why, sir, are these men to be excluded from rights which they possess in common with their countrymen? What crime have they committed for which they are to be punished? Why are they, who were born as free as ourselves, natives of the same country, and deriving from nature and our political institutions, the same rights and privileges which we have, now to be deprived of all those rights, and doomed to remain forever as aliens among us? We are told, in reply, that other states have set us the example. It is true that other states treat this race of men with cruelty and injustice, and that we have hitherto manifested towards them a disposition to be just and liberal. Yet even in Virginia and North Carolina, free people of color are permitted to vote, and if I am correctly informed, exercise that privilege. In Pennsylvania, they are much more numerous than they are here, and there they are not disfranchised, nor has any inconvenience been felt from extending to all men the rights which ought to be common to all. In Connecticut, sir, though they have done much that I think they had no right to do on this subject, their provision respecting blacks has not disfranchised those who are now in possession of the right, but only operates for the future. Here we cut off nearly 30,000 citizens at one vote. Mr. Jay

then referred to the resolution of our last legislature on the subject of the Missouri question, and asked how the present provision would tally with them—how the declarations there made, and the principles laid down, would square with the measure now under consideration? But, sir, it is said negroes are a degraded race. I hoped this old excuse for slavery would not have been repeated here. I did not believe it would be asserted at this time of day, that the God who made all the nations of the earth of one blood, has created one race for degradation. Sir, their bodies, their brains are not differently constructed from ours. Their habits are indeed bad. Their wills have been the wills of their masters and mistresses, until they have become scarcely capable of self-dependence; and the old maxim is true, "that the hour that makes a man a slave, robs him of half his worth." Sir, will you punish them for this your error, or the error of your fathers?—will you punish them for the crimes of which they have been the victims, and not the perpetrators? and after having reduced them by your past injustice to degradation and misery, will you shut them out from the chance of future amendment? But as a matter of policy, sir, will you permit to grow up among you a race of men having separate interests, distinct hopes, and who look upon all you do with jealousy and distrust? will you make it the interest of such a race to wish your destruction? You despise the slaves of Europe—and why? because they dare not shake off their chains. And will you create a body of such men in your own country? Sir, there are gentlemen on this floor who have done themselves immortal honor by their opposition in congress to the oppression of this unfortunate race; and if you shall now pass this provision, shall we not hear a shout of exultation, a hiss of scorn, resound from the southern states, as they point at our inconsistency? Sir, I trust this will not be; I trust



we shall not, because our fathers have wronged them and their fathers, henceforth condemn the blacks to irremediable degradation."

Gen. Root and Col. Young opposed the admission of colored voters. Mr. Root placed his objection mainly on the ground that they were not liable to do military duty. In the course of his speech he said:—"He had known the time when a few hundred negroes in the city of New-York, following in the trains of those who ride in coaches, and whose boots and shoes they had blacked, virtually gave law to the state. He had known the time when that sable majority, in a period of war and danger, paralyzed the arm of your government—an 'organized and disciplined corps,' that became powerful enough to defeat some of the most efficient and necessary measures of your patriotic executive." Did it occur to General Root and Colonel Young that, during the most perilous period of the late war, when the country was in imminent danger, they themselves had voted for a law encouraging the enlistment of negroes, and for raising a regiment of blacks?

Doct. R. Clarke, of Delaware county, delivered an able speech in support of the motion of Mr. Jay.

Col. Young, in reply, argued in favor of the exclusion of the blacks, principally upon the ground that a constitution ought to be framed for a community according to its actual and probable future condition; that, by custom,—whether wrongfully or rightfully established, for the purpose of his argument it was unnecessary to enquire,—the black population were a degraded people, so much so as to be an unsafe depositary of the right of suffrage. If, in future time, their moral and social condition should be elevated to an equality with the whites, he would then cheerfully extend to them an equal right to the elective franchise.

This debate was continued until the 20th, when Mr. Abraham Van Vechten made a long and very able argument in support of Mr. Jay's motion; but Judge Spencer spoke against it.

The motion ultimately prevailed by a vote of sixty-three to fifty-nine.

Mr. Van Buren voted for the motion. The vote of Gov. Tompkins is not recorded; but I believe it was understood that he accorded with Mr. Van Buren.

The subject, for that time, was considered as put at rest; but a select committee of thirteen, of which Col. Young was chairman, to whom the proceedings of the committee of the whole on the elective franchise was referred, some time afterwards reported a proviso in the first section, which excluded all colored men from voting who were not freeholders to the value of two hundred and fifty dollars. This proviso Judge Platt moved to strike out. In support of his motion, among other things, he said:—

"The gentleman from Saratoga, who, as chairman of the committee, reported this proviso, (Mr. Young,) has exultingly told us, that ours is the only happy country where freemen acknowledge no distinction of ranks—where real native genius and merit can emerge from the humblest conditions of life, and rise to honors and distinction. It sounded charmingly, in our republican ears, and I have but one objection to it, which is, that unfortunately for our patriotic pride, it is not true. I abhor the vices and oppressions which flow from privileged orders as much as any man, but it is a remarkable truth, that in England, the present *Lord Chancellor Eldon*, and his illustrious brother, *Sir William Scott*, are the sons of a *coal-heaver*; and the present *Chief Justice Abbot*, of the King's Bench, is the son of a *hair-dresser*. The gentleman from Saratoga, (Mr. Young,) began his philippic in



favor of universal suffrage, by an eulogium on liberty and equality, in our happy state. And what then? Why, the same gentleman concluded by moving a resolution, in substance, that thirty-seven thousand of our free black citizens, and their posterity, for ever, shall be degraded by our constitution below the common rank of freemen—that they never shall emerge from their humble condition—that they shall never assert the dignity of human nature, but shall ever remain a degraded caste in our republic.

"The same gentleman recited to us, on that occasion, an elegant extract from an admired poet, (Gray's Elegy,) describing in melting strains, the effects of humble poverty, and mental depression. Let me ask, sir, who is it, that now seeks to "repress the noble rage;" and to "freeze the genial current of the soul"? I must be permitted to express my deep regret, that the gentleman's *poetry* and his *prose* do not agree in sentiment. I confess, sir, I feel some apprehension, when I anticipate that the speeches of that honorable member will be read by the proud English critic; who will boast that "slaves cannot breathe English air;" that "they touch his country, and their shackles fall." The gentleman from Saratoga will be justly considered as a leading patriot and statesman in our republic; and if his text and his commentary, his precept and his practice, are at variance, we shall be nakedly exposed to the lash of criticism, from the hand of retaliation.

"Before we adopt this proviso, I hope gentlemen will take a retrospect of the last fifty years. Consider the astonishing progress of the human mind in regard to religious toleration; the various plans of enlightened benevolence; and especially the mighty efforts of the wise and the good throughout Christendom, in favor of the benighted and oppressed children of Africa."

"Mr. Van Buren said he had voted against a total and unqualified exclusion, for he would not draw a revenue from them, and yet deny to them the right of suffrage. But this proviso met his approbation. They were exempted from taxation until they had qualified themselves to vote. The right was not denied, to exclude any portion of the community who will not exercise the right of suffrage in its purity. This held out inducements to industry, and would receive his support."

The question on striking out the proviso was lost, thirty-three to seventy-one.

It is somewhat curious that Gen. Root, Col. Young, Mr. Livingston, Mr. Briggs, &c., who were most anxious to abolish the property qualification and extend the right of suffrage to all white men, were equally zealous to exclude black citizens from the right to exercise the elective franchise; while those who most strenuously contended for retaining the freehold qualification as respected white citizens, were very solicitous to prevent an exclusion of the blacks from an equal participation with the whites. Of this last description of members, Chancellor Kent, Mr. Van Rensselaer, Mr. Jay, Mr. Van Vechten and Judge Platt were the most prominent. How is this to be accounted for? It is true, I believe, that the colored electors in New-York and Albany had generally voted the federal ticket, but it would perhaps, be uncharitable and unjust to charge gentlemen, on either side, who took an active part in the discussion and decision of this question, in the convention, with having been influenced in any considerable degree by party considerations.

The third amendment recommended by the select committee was in these words:

§ 3. Laws shall be made for ascertaining by proper proofs, the citizens who shall be entitled to the right of suffrage hereby established. The legislature may provide



by law, that a register of all citizens entitled to the right of suffrage, in every town and ward, shall be made at least twenty days before any election; and may provide that no person shall vote at any election, who shall not be registered as a citizen qualified to vote at such election.

This clause was resisted by Gen Root. He thought he said, "that such a muster roll of voters would be impracticable and lead to mischievous consequences, by depriving many legal voters of the right of suffrage in consequence of not having their names properly inserted on the muster list."—(*Carter's Convention*, *p.* 373.)

Colonel Young and Mr. Van Vechten opposed him, but on taking the ayes and noes, it appeared sixty-six were for striking out against forty-eight who were for retaining the section. I perceive that Mr. Sharpe of New-York, voted with Gen. Root on this question.

On the 22d of September, Judge Spencer offered the following amendment to the first section as reported by the committee:—

"Other than for senators; and that in elections for senators, every free male citizen of the age of twenty-one years, who shall have been, one year next preceding the election, an inhabitant of this state, and at the time of offering himself as an elector, shall have an interest in law or equity, in his own or in his wife's right, in any lands or tenements in this state, of the value of two hundred and fifty dollars over and above all debts charged thereon, shall be entitled to vote for senators in the town or ward in which he shall reside."

This amendment presented distinctly the great question whether the freehold qualification should be retained as a necessary qualification to a voter for any of the departments of government. It was discussed with great talent and zeal on both sides, and the debate which lasted several

days, finally called out the efforts of the most talented members of the convention. I cannot, perhaps, give a better synopsis of these debates than by copying the opening speech of Judge Spencer, together with some remarks of Chancellor Kent, and the reply to both gentlemen by Gen. Root. A perusal of these speeches will put the reader in possession of the leading topics which were discussed during the agitation in the convention of this interesting question.

"Mr. Chairman—In presenting you the amendment, (said the chief justice,) which I have now moved, it will be perceived that if it be adopted, there will be different qualifications for the electors of the senate, and of the governor, lieutenant-governor, and members of assembly, and all other elective officers. The constitution, as it now stands, provides that the senate shall consist of thirty-two freeholders to be chosen by the freeholders of the state, possessed of freeholds of the value of one hundred pounds over and above all debts charged thereon. The report of the select committee, and the amendment of the gentleman from Delaware, propose, with the dash of the pen, to obliterate this part of our constitution, to destroy a barrier in legislation, which the wisdom of the sages and patriots of the revolution have erected for our protection. It has been insinuated, that as we have already unanimously agreed to abolish the existing qualifications of electors, we in some measure stand pledged to abolish the distinction between the electors of the senate and assembly. This is not a correct deduction from the vote we have given. The vote taken, implies no more than that we are willing to extend the right of suffrage, as far as may consist with the public good, but no farther. It will be perceived, that the amendment I have the honor to propose, admits all persons having an interest in real estate of the value of two hundred and fifty dollars, either



in law or equity, without regard to the tenure, so that persons having a leasehold interest, or holding lands under contract for purchase, and who shall have by payments or improvements, added to the value to the amount of two hundred and fifty dollars, will be entitled to vote for senators; and the right will extend to those who hold lands in right of their wives.

"It is well known, sir, that in the rapid and unexampled extension of the settlement of the western parts of our state, a mode of selling lands, not within the view or contemplation of the framers of our constitution, has become common. I mean sales by contract, stipulating to give deeds, when the purchase money shall have been paid. In that immense and fertile territory, owned by the Holland company, sales by such contracts are the usual and ordinary modes. This has also been the case, very extensively, in other parts of the state. These industrious and valuable citizens, who have paid portions of the purchase money, or who have made valuable and useful improvements, ought to be entitled to vote for senators, and the amendment I propose will give them that right. They ought thus to vote, because they represent portions of the soil, and because they have that attachment to the preservation of all the rights incident to real estate.

"I must not be misunderstood—I am willing and desirous that the rights of suffrage be established on a broad and liberal basis, comprehending for the one branch or the other, all those who possess sufficient independence to exercise this important privilege in a manner compatible with the interests of society itself.

"It would seem to me, that those who propose to abolish all distinctions between the electors of the senate, and other officers of the government, were bound to shew to this convention, either that this abolition was demanded

by the farmers and the people of this state, or that the original institution itself was vicious in principle, or bad in its operation. I hope it is not enough to induce us to make such a material innovation in our form of government, merely because we hope, or believe, it will improve our constitution, or that other states have not adopted the same provision.

"It has been assumed, that the people call for this alteration—that they do expect an extension of the right of suffrage, I believe and admit; but that they demand the abolition of all distinction in the qualification of electors for the senate and assembly, I do not know or believe; and I may confidently demand the proof of any general call or expectation, that such a measure should be adopted. Has the constitution operated badly in this respect? Or is the organization of the senate unsound or vicious in principle?

"If it shall be insisted that for the last twenty years, the senate has not been superior to the assembly in wisdom or gravity, are there not causes by which we can account for this deficiency? The constitution divided the state into four great districts; and although these have been altered, still they have been very large and extensive. The candidates for election have been unknown to nine-tenths of the electors, they have never been heard of, until their names were announced for their choice; and when we superadd to this, that the state for a long period has been rent and torn by faction—that party spirit has pervaded the whole community—that active, and ambitious, and restless individuals have assumed the direction and control of the elections, it is not to be wondered at, that the senate has not been such as the framers of the constitution contemplated; for the question put by the electors as to the qualifications of candidates, has not been whether they were wise, or good, or virtuous, but



what are their politics, and under whose banner are they enrolled?

"This deplorable state of things, which has disgraced us as a people, and a state, will no longer exist, if we adopt and improve the report of the legislative committee in subdividing the state, not only into seventeen, but as I fervently hope, into thirty-two electoral districts for senators. Then the anticipation and wisdom of those immortal patriots, whose labours we are now revising, will appear; then the electors and the elected will become known to each; then we may hope to see our senate what it ought to be, the council of ancients, composed of great, wise, good, and grave men.

"Those, Mr. Chairman, who suppose that a sound branch of the legislature, the senate, was intended merely as a check upon the first, (the assembly) appear to me to have misunderstood its organization and design. It was intended to be differently composed and differently organized for other purposes, than a mere second branch of legislation.

"The objects of government are the protection of life, liberty, and property. These are important and paramount rights; and every wise frame of government will extend its protecting care over all and each of them.

"The assembly, consisting of greater numbers, elected by all the sound and wholesome part of the adult male population of the state, is more emphatically charged with the protection and preservation of the personal rights, the lives and liberties of the citizens. The senate was intended as the guardians of our property generally, and especially of the landed interest, the yeomanry of the state.

"I shall ask leave of the committee, sir, to submit to them the ideas of an illustrious statesman, now no more. I have heard with great pleasure an eulogy pronounced

on another occasion, on the deceased General Hamilton. It met my most hearty approbation. Now that he is entombed, we can do justice to his memory without incurring envy or reproach. For profundity of thought, for purity of intention, for depth of research, and clearness of investigation, none excelled him; and I may say with truth, that his name and his works have added lustre and honor to our nation. In the sixty-second number of the Federalist, attributed to his pen, and undoubtedly his own, in speaking of the organization of the senate of the United States, he says: 'It is a misfortune, incident to republican government, though in a less degree than to other governments, that those who administer it, may forget their obligations to their constituents, and prove unfaithful to their important trust. In this point of view a senate, as a second branch of the legislative assembly, distinct from, and dividing the power with a first, must be in all cases a salutary check on the government. It doubles the security of the people, by requiring the concurrence of two distinct bodies in schemes of corruption, or perfidy, where the ambition or corruption of one would otherwise be sufficient. This is a precaution founded on such clear principles, and now so well understood in the United States, that it would be more than superfluous to enlarge on it. I will barely remark, that *as the improbability of sinister combinations will be in proportion to the dissimilarity in the genius of the two bodies, it must be politic to distinguish them from each other by every circumstance which will consist with a due harmony in all proper measures, and with the genuine principles of republican government.*'

"Here is a distinct admonition that a dissimilarity in the *genius* of the two legislative branches adds to the security of the people. But we are not without another high authority from a most distinguished source. The opinions



of Mr. Jefferson have been read to the convention, on a former question, by a member from Otsego; that great man, though alive, and living in dignified and philosophic retirement, may be considered as much withdrawn from the contentions and strifes of the world, as if he were entombed. He has given us a precise and distinct avowal of his matured opinion on this interesting point. In his Notes on Virginia, he has discussed the imperfections of their constitution, and given to the world the substance of a constitution, which he wished to see adopted in his native state. In speaking of the senate under the existing government, he says:—"The senate is by its constitution, too homogeneous with the house of delegates; being chosen by the same electors, at the same time, and out of the same subjects, the choice falls of course *on men of the same description. The purpose of establishing different houses of legislation is to introduce the influence of different interests or different principles.*"

"Can there be a plainer, or more self-evident proposition, as applied to the private transactions of men; than if an individual, having great and interesting concerns, found it necessary to appoint two agents to manage those concerns, as guards and checks against the dishonesty or the defective judgment of the one, would he appoint two precisely similar in their feelings, judgments, motives, and habits? Or, if wise, would he not select men possessing different qualities, that thus he might combine everything essential to the promotion and preservation of his own interests? If the agents were exactly alike, moved by the same impulses, having an identity of qualifications, in effect he would have but one agent, and his precaution of checks would be nugatory.

"In my judgment, sir, there are other and mightier considerations still, in favor of the proposition which I have submitted From the vast extent of this state, from the

fertility of its soil, and the salubrity of its climate, we are destined under a free and wise government, to increase in a ratio incalculable. This state, within a century, must contain a population of many millions. Are we amending our constitution to last our own lives only? Are we establishing fundamental principles for this and the next generation only? No, sir. If we are wise, we must take a prospective view and we must endeavor, as far as humanity will allow, to impress on our doings the seal of immortality. We must fashion our constitution to suit the present and future times. In this view, as we have repeatedly been admonished upon this floor, we must contemplate, that the condition of the community will change; that other interests will spring up; that we are to become a manufacturing state; that commerce and the mechanical arts will be widely and extensively established. At present the agricultural interest predominates; but who can foresee, that in process of time, it will not become the minor body? And what is there to protect the landed interests of the state, the cultivators of the soil, if the wide and broad proposition on your table be adopted; admitting the whole mass of the adult male population of the state to vote not only for governor and lieutenant-governor, and assembly, but senators also? He would venture to predict, that the landed interests of the state will be at the mercy of the other combined interests; and thus all the public burthens may be thrown on the landed property of the state.

"It may be said that the smallness of the number, and the duration of the office of senators for four years, will give the requisite dissimilarity between the two branches, and thus obviate the necessity of a distinction in the qualification of the electors. This he conceived to be a mistake. The duration of the office may make the senators somewhat more independent, but it can neither alter nor



change the identity of their composition; and the smallness of the number can have no other effect than to promote a more familiar discussion.

"However subdivided the legislature may be in its several branches, if it be composed of persons exactly similar in qualifications, and be elected by persons having the same qualifications, it will be virtually one and the same body. Put one body in an upper house, the other in a lower house; call one lords, the other commons, it avails nothing; they are but one body, possessing the same feelings, the same sympathies, and the same objects. It was a conviction of this immutable truth, which led the framers of our constitution to establish a difference in the qualification of the electors; and I may confidently appeal to the intelligence of this convention, that hitherto its operation has not been injurious to the interests of society; on the contrary, we have lived securely, we have enjoyed every protection, and we have prospered beyond example.

"Let me ask, sir, whether this great, this radical, this fundamental change, which goes to break down a barrier of our constitution, has been demanded by the sober sense of this community? I again say, that I have no knowledge of any disposition existing to any considerable extent, to make this deep, and, as I firmly believe, dangerous innovation.

"Is it desirable that we should remove the safeguards of property, and destroy the incentive to acquire it, by rendering it insecure? By removing these guards, we repress industry, frugality, temperance, and all those exertions to the acquisition of landed property, which make good citizens. Are we jealous of property, that we should leave it unprotected? To the beneficence and liberality of those who have property, we owe all the embellishments and the comforts and blessings of life. Who build our churches, who erect our hospitals, who raise our school

houses? Those who have property. And are they not entitled to the regard and fostering protection of our laws and constitution? Let me not be suspected of a disposition to infringe or curtail the rights of any portion of the community. I would impart the right of electing the assembly, the most numerous branch of legislation, to every man whom we believe will exercise the right with independence and integrity; and thus the rights of every portion of the people will be protected. I have said, on a former occasion, that the rule adopted must necessarily be a general rule; but let us take care, whilst we nominally give the right of voting to a particular description of our citizens, that we do not in reality give it to their employers. The man who feeds, clothes, and lodges another, has a real and absolute control over his will. Say what we may, the man who is dependant on another for his subsistence, is not an independent man, and he will vote in subservience to his dictation. Let us, then, take care, whilst we abominate aristocracy, that we do not actually organize it, by giving to the rich an undue influence, and by creating venal votes to be bought.

"Here it would be profitable to look to that country from which most of us are derived; I mean England. Independently of the rotten burroughs, which send fifty or sixty members to parliament, and which are owned by individuals, there are districts containing from one hundred to five hundred electors, and sending upwards of one hundred members to the house of commons, who notoriously and publicly buy their seats, by different modes of corruption and bribery. In some places the electors have long been habituated unblushingly to receive for their votes a fixed and standard price. In others, it is managed with more decency; but the corruption is gross and palpable; and who has not heard, and read, of the tumults, the riots, the mobs, and the murders attending



their elections? At no very remote period, when luxury and vice shall have extended their empire among us, as they assuredly will, may we not expect, if we admit the mass of our adult male population to vote for every branch of the government, to see these disgusting scenes acted among us?

"Ought not those considerations to induce us as wise men, to endeavor to preserve to the landed interest of the country one branch of the legislature, by adhering to the principles established by our fathers, and sanctified by experience?

"Mr. S. said he was aware that he might be misunderstood and misrepresented; for this he had no anxiety; he had endeavored to act according to the dictates of his best judgment, and he had the approval of his conscience. We had a record, and on that imperishable evidence he should be willing to transmit to future ages his vote on this solemn and important occasion."

"Chancellor Kent. I am in favor of the amendment which has been submitted by my honorable colleague from Albany; and I must beg leave to trespass for a few moments upon the patience of the committee, while I state the reasons which have induced me to wish that the senate should continue, as heretofore, the representative of the landed interest, and exempted from the control of universal suffrage. I hope what I may have to say will be kindly received, for it will be well intended. But, if I thought otherwise, I should still prefer to hazard the loss of the little popularity which I might have in this house, or out of it, than to hazard the loss of the approbation of my own conscience.

"I have reflected upon the report of the select committee with attention and with anxiety. We appear to be disregarding the principles of the constitution, under which we have so long and so happily lived, and to be changing some

of its essential institutions. I cannot but think that the considerate men who have studied the history of republics, or are read in lessons of experience, must look with concern upon our apparent disposition to vibrate from a well balanced government to the extremes of the democratic doctrines. Such a broad proposition as that contained in the report, at the distance of ten years past, would have struck the public mind with astonishment and terror. So rapid has been the career of our vibration.

"Let us recall our attention, for a moment to our past history.

"This state has existed for forty-four years under our present constitution, which was formed by those illustrious sages and patriots who adorned the revolution. It has wonderfully fulfilled all the great ends of civil government. During that long period we have enjoyed in an eminent degree the blessings of civil and religious liberty. We have had our lives, our privileges, and our property, protected. We have had a succession of wise and temperate legislatures. The code of our statute law has been again and again revised and corrected, and it may proudly bear a comparison with that of any other people. We have had, during that period, (though I am, perhaps, not the fittest person to say it,) a regular, stable, honest, and enlightened administration of justice. All the peaceable pursuits of industry, and all the important interests of education and science, have been fostered and encouraged. We have trebled our numbers within the last twenty-five years, have displayed mighty resources, and have made unexampled progress in the career of prosperity and greatness.

"Our financial credit stands at an enviable height; and we are now successfully engaged in connecting the great lakes with the ocean by stupendous canals, which excite



the admiration of our neighbors, and will make a conspicuous figure even upon the map of the United States.

"These are some of the fruits of our present government; and yet we seem to be dissatisfied with our condition, and we are engaged in the bold and hazardous experiment of remodelling the constitution. Is it not fit and discreet—I speak as to wise men—is it not fit and proper that we should pause in our career, and reflect well on the immensity of the innovation in contemplation? Discontent in the midst of so much prosperity, and with such abundant means of happiness, looks like ingratitude, and as if we were disposed to arraign the goodness of Providence. Do we not expose ourselves to the danger of being deprived of the blessings we have enjoyed?—When the husbandman has gathered in his harvest, and has filled his barns and his granaries with the fruits of his industry, if he should then become discontented and unthankful, would he not have reason to apprehend that the Lord of the harvest might come in his wrath, and with his lightning destroy them?

"The senate has hitherto been elected by the farmers of the state—by the free and independent lords of the soil—worth at least two hundred and fifty dollars in freehold estate, over and above all debts charged thereon. The governor has been chosen by the same electors, and we have hitherto elected citizens of elevated rank and character. Our assembly has been chosen by freeholders, possessing a freehold of the value of fifty dollars, or by persons renting a tenement of the yearly value of five dollars, and who have been rated and actually paid taxes to the state. By the report before us we propose to annihilate, at one stroke, all those property distinctions, and to bow before the idol of universal suffrage. That extreme democratic principle, when applied to the legislative and executive departments of government, has been re-

garded with terror by the wise men of every age, because in every European republic, ancient and modern, in which it has been tried, it has terminated disastrously, and been productive of corruption, injustice, violence, and tyranny. And dare we flatter ourselves that we are a peculiar people, who can run the career of history exempted from the passions which have disturbed and corrupted the rest of mankind? If we are like other races of men, with simi lar follies and vices, then I greatly fear that our posterity will have reason to deplore in sackcloth and ashes, the delusion of the day.

"It is not my purpose at present to interfere with the report of the committee, so far as respects the qualifications of electors for governor and members of assembly. I shall feel grateful if we may be permitted to retain the stability and security of a senate, bottomed upon the freehold property of the state. Such a body, so constituted, may prove a sheet anchor amidst the future factions and storms of the republic. The great leading and governing interest of this state, is, at present, the agricultural; and what madness would it be to commit that interest to the winds. The great body of the people are now the owners and actual cultivators of the soil. With that wholesome population we always expect to find moderation, frugality, order, honesty, and a due sense of independence, liberty, and justice. It is impossible that any people can lose their liberties by internal fraud or violence, so long as the country is parcelled out among freeholders of moderate possessions, and those freeholders have a sure and efficient control in the affairs of government. Their habits, sympathies, and employments, necessarily inspire them with a correct spirit of freedom and justice; they are the safest guardians of property and the laws: We certainly cannot too highly appreciate the value of the agricultural interest: It is the foundation of national wealth and power. Ac-



cording to the opinion of her ablest political economists, it is the surplus produce of the agriculture of England, that enables her to support her vast body of manufacturers, her formidable fleets and armies, and the crowds of persons engaged in the liberal professions and the cultivation of the various arts.

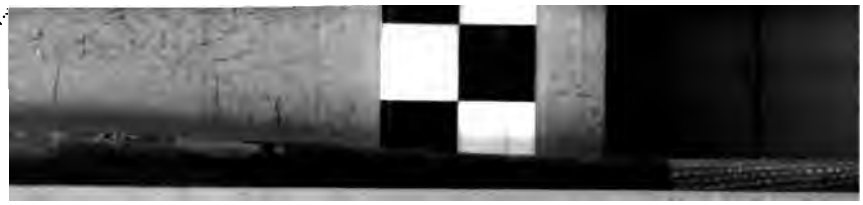
"Now, sir, I wish to preserve our senate as the representative of the landed interest. I wish those who have an interest in the soil, to retain the exclusive possession of a branch in the legislature, as a stronghold in which they may find safety through all the vicissitudes which the state may be destined, in the course of Providence, to experience. I wish them to be always enabled to say that their freeholds cannot be taxed without their consent. The men of no property, together with the crowds of dependants connected with great manufacturing and commercial establishments, and the motley and undefinable population of crowded ports, may, perhaps, at some future day, under skilful management, predominate in the assembly; and yet we should be perfectly safe if no laws could pass without the free consent of the owners of the soil. That security we at present enjoy; and it is that security which I wish to retain.

"The apprehended danger from the experiment of universal suffrage applied to the whole legislative department, is no dream of the imagination. It is too mighty an excitement for the moral constitution of men to endure. The tendency of universal suffrage, is to jeopardize the rights of property, and the principles of liberty. There is a constant tendency in human society, and the history of every age proves it—there is a tendency in the poor to covet and to share the plunder of the rich; in the debtor to relax or avoid the obligation of contracts; in the majority to tyrannize over the minority, and trample down their rights; in the indolent and the profligate, to cast the

whole burthens of society upon the industrious and the virtuous; and *there is a tendency in ambitious and wicked men to inflame these combustible materials.* It requires a vigilant government, and a firm administration of justice, to counteract that tendency. Thou shalt not covet; thou shalt not steal; are divine injunctions induced by this miserable depravity of our nature. Who can undertake to calculate with any precision, how many millions of people this great state will contain in the course of this and the next century; and who can estimate the future extent and magnitude of our commercial ports? The disproportion between the men of property, and the men of no property, will be in every society in a ratio to its commerce, wealth, and population. We are no longer to remain plain and simple republics of farmers, like the New-England colonists, or the Dutch settlements on the Hudson. We are fast becoming a great nation, with great commerce, manufactures, population, wealth, luxuries, and with the vices and miseries that they engender. One-seventh of the population of the city of Paris at this day subsists on charity, and one-third of the inhabitants of that city die in the hospitals; what would become of such a city with universal suffrage? France has upwards of four, and England upwards of five millions of manufacturing and commercial laborers without property. Could these kingdoms sustain the weight of universal suffrage? The radicals in England, with the force of that mighty engine, would at once sweep away the property, the laws, and the liberties of that island like a deluge.

"The growth of the city of New-York is enough to startle and awaken those who are pursuing the *ignis fatuus* of universal suffrage.

"In 1773	it had	21,000	souls
1801	"	60,000	do.
1806	"	76,000	do.
1820	"	123,000	do.



"It is rapidly swelling into the unwieldy population, and with the burdensome pauperism, of an European metropolis. New-York is destined to become the future London of America; and in less than a century, that city, with the operation of universal suffrage, and under skilful direction, will govern the state.

"The notion that every man that works a day on the road, or serves an idle hour in the militia, is entitled as of right to an equal participation in the whole power of the government, is most unreasonable, and has no foundation in justice. We had better at once discard from the report such a nominal test of merit. If such persons have an equal share in one branch of the legislature, it is surely as much as they can in justice or policy demand. Society is an association for the protection of property as well as of life; and the individual who contributes only one cent to the common stock, ought not to have the same power and influence in directing the property concerns of the partnership, as he who contributes his thousands. He will not have the same inducements to care, and diligence, and fidelity. His inducements and his temptation would be to divide the whole capital upon the principles of an agrarian law.

"Liberty, rightly understood, is an inestimable blessing, but liberty without wisdom, and without justice, is no better than a wild and savage licentiousness. The danger which we have hereafter to apprehend, is not the want, but the abuse, of liberty. We have to apprehend the oppression of minorities, and a disposition to encroach on private right—to disturb chartered privileges—and to weaken, degrade, and overawe the administration of justice; we have to apprehend the establishment of unequal, and consequently, unjust systems of taxation, and all the mischiefs of a crude and mutable legislation. A stable senate, exempted from the influence of universal suffrage, will pow-

erfully check these dangerous propensities, and such a check becomes the more necessary, since this convention has already determined to withdraw the watchful eye of the judicial department from the passage of laws.

"We are destined to become a great manufacturing as well as commercial state. We have already numerous and prosperous factories of one kind or another, and one master capitalist with his one hundred apprentices, and journeymen, and agents, and dependants, will bear down at the polls an equal number of farmers of small estates in his vicinity, who cannot safely unite for their common defence. Large manufacturing and mechanical establishments can act in an instant with the unity and efficacy of disciplined troops. It is against such combinations, among others, that I think we ought to give the freeholders, or those who have interest in land, one branch of the legislature for their asylum and their comfort. Universal suffrage once granted, is granted forever, and never can be recalled. There is no retrograde step in the rear of democracy. However mischievous the precedent may be in its consequences, or however fatal in its effects, universal suffrage never can be recalled or checked, but by the strength of the bayonet. We stand, therefore, this moment, on the brink of fate, on the very edge of the precipice. If we let go our present hold on the senate, we commit our proudest hopes and our most precious interests to the waves.

"It ought further to be observed, that the senate is a court of justice in the last resort. It is the last depository of public and private rights; of civil and criminal justice. This gives the subject an awful consideration, and wonderfully increases the importance of securing that house from the inroads of universal suffrage. Our country freeholders are exclusively our jurors in the administration of justice, and there is equal reason that none



but those who have an interest in the soil, should have any concern in the composition of that court. As long as the senate is safe, justice is safe, property is safe, and our liberties are safe. But when the wisdom, the integrity, and the independence of that court is lost, we may be certain that the freedom and happiness of the state are fled forever.

"I hope, sir, we shall not carry desolation through all the departments of the fabric erected by our fathers. I hope we shall not put forward to the world such a new constitution as will meet with the scorn of the wise and the tears of the patriot."

"Gen. Root. I rejoice that this proposition has presented itself distinctly to the committee, and hope that its rejection may be had in a plain and unequivocal manner. It divides itself into two branches.—1st. Whether the senate and assembly ought to be elected by different persons, so as to possess genius and feelings hostile to each other; and, 2dly. Whether it is properly provided for by the amendment that is now proposed.

"That these two branches should be so organized as to possess different genius, the honorable gentleman from Albany, (Mr. Spencer,) has referred to the writings of illustrious statesmen to prove. I have no objection to hear eulogies upon departed statesmen and illustrious individuals. But however justly those eulogies may be pronounced in respect to personal worth, I do not feel that the people of this state are to regard their opinions with the reverence due to holy writ. I am not disposed to detract from the merits of the illustrious Hamilton. But I do desire that we may not be carried away by speculations, merely because they were advanced by eminent men. Sir Robert Walpole and William Pitt the younger, were great and illustrious men; but we all know that their doctrines were hostile to liberty, and however suitable for a

monarchical government, were not at all calculated for a republican or democratic people. And if Mr. Hamilton had entertained the views that now animate the people of this state, would he have proposed in the Convention of the United States, that the governors of the several states should all be appointed by the supreme executive? Sir, I very well remember that when I had the honor to think and act on political subjects with the gentleman from Albany, although we respected the character and talents of Mr. Hamilton, neither of us respected his political opinions or his writings.

"But why must the two branches of the legislature be composed of different genius and heterogeneous materials? To constitute a sufficient check, says the gentleman;—and so, for this purpose, it must consist of discordant elements! Is this the way that government should be constituted? That the different branches, instead of harmonious movement, should be set in hostile array against each other? The honorable gentleman has adverted to the case of an individual employing two agents for the transaction of his business. Sir, I want no better example to illustrate my views of the subject, and to deduce a consequence directly the reverse of that which he has drawn. Were I that individual, I would choose men who might act in unison, and counsel each other upon the subject matter of their agency. If they possessed different tempers—opposite opinions, and hostile feelings, could I expect that the agency would be well managed?—Would not my interests be lost sight of, in their distractions and animosities? What government ever sent two ministers to negotiate a treaty, and selected them for their known hostility to each other?

"I agree that in a monarchical government, where little liberty is left to the people, it is necessary to have such checks as gentlemen have described. In such govern-



ments there are different *orders*, as lords and commons in England; different *estates*, as in the diets of Sweden, Denmark, and Germany. But the necessity in those governments bears no analogy to ours. We have no different estates, having different interests, necessary to be guarded from encroachment by the watchful eye of jealousy. We are all of the same estate—all commoners; nor, until we have privileged orders, and aristocratic estates to defend, can this argument apply.

"But it is urged that this different genius of the senate is necessary to protect the landed interest:—to prevent the mob, the rabble, or the *radicals*, as they would be called in England, from laying a tax on the lands of the rich, and not on their own—when gentlemen say they have got none! This argument destroys itself.

"But the honorable gentleman from Albany, (Mr. Spencer,) is apprehensive that we shall encourage aristocracy by enabling the manufacturer to control the votes of the hundred men he employs. The argument is—you must raise up and protect aristocracy in the senate—for what purpose? To avoid aristocracy! But does the gentleman suppose that this powerful manufacturer is not connected with the landed interest? Is not the manufactory itself real estate? And will he be disposed to break down real estate, who has such a powerful interest to support it?

"But another honorable gentleman, (Mr. Kent,) has said, that the senate must be preserved, because it is our dernier resort as a court of justice. It must be protected, to preserve the judiciary from falling a sacrifice to those whose pursuits are commerce and manufactures. But will not these classes feel as strong an interest in sustaining them, as the farmer back in the woods? Have they not more frequent occasion to resort to them for the protection of their rights?

"In relation to the second branch of inquiry, it seems to be admitted, that heretofore the senate, although elected by freeholders, has not possessed a superiority, in any respect, over the other branch of the legislature; but the fault is laid on the size of the four great districts; and now that the state is to be divided into seventeen senatorial districts, faction will hide its hated head. I agree, sir, that the time has been, that senators in the western district *may have* derived their nomination from the city of Albany.

"By the plan that is now offered, freeholders, those having a clear, equitable right of the value of two hundred and fifty dollars, are to be allowed to vote for senators. How are the qualifications of these *equitable freeholders*, as they have been nicknamed, to be ascertained? Shall it be referred to their own oaths? This is a dangerous temptation to perjury, and the honorable member, (Mr. Spencer,) has more than once opposed any provision that should allow a man to qualify himself by his own oath. Shall it then be determined by the chancellor? Sir, I am not yet prepared to refer to that, or any other officer, however respectable, the power to control and determine the suffrages of the people.

"I admit, that such persons should be enabled to vote for senators; but I am not willing that they should wade through uncertainty, if not perjury, to attain it.

"The balance of the different branches of the government has been a theme of warm admiration. It has been likened to a beautiful pyramid, of which the king was the apex, the people the base, and the aristocracy in the centre, that is, between the head and the tail. I am not disposed to carry my admiration so far as to place the people's governor at the top, the people's legislature at the bottom, and an aristocratic senate, between two fires, in the middle. However pleasant the theory may be, it is

is of our government. These
cessary between different fami-
ests, but can never be salutary
e family, whose interests are
erience. Has not the senate,
ders, been as democratic as the
a longer term of service, which
any mad passions that may be
ach; and their fewer numbers
ily to correct any hasty and
e assembly; and these are the
ary checks that the nature of

Meetings and resolutions, public prints, and conversation have united to require it.

"It is concluded, however, that the measure proposed by the original amendment jeopardizes the landed interest. Sir, it is the landed interest, in common with others, that have demanded this measure at our hands: and will they resort to projects which are calculated to injure ourselves? France has been alluded to. The French revolution, sir, has produced incalculable blessings to that country. Before that revolution one-third of the property of the kingdom was in the hands of the clergy; the rest in the hands of the nobility. Where the interest of one individual has been sacrificed, the interests of thousands have been promoted. After dining with that friend of universal liberty, the patriotic La Fayette, he once invited me to a walk upon the top of his house, that commanded a view of all the surrounding country. Before the revolution, said he, all the farms and hamlets you can see were mine. I am now reduced to a thousand acres, and I exult in the diminution, since the happiness of others is promoted by participation.

"This, sir, is the language of true patriotism; the language of one whose heart, larger than his possessions, embraced the whole family of man in the circuit of its beneficence. And shall we, with less ample domains, refuse to our poorer neighbors the common privileges of freemen?

"But, sir, we are told and warned of the rotten boroughs of England. By whom are they owned? By men of wealth. They confer the right of representation on the few, to the exclusion of the many. They are always found in the views of the monarch; and while aristocracy is supported by the house of lords, the house of commons is borne down by the boroughs.



"It is said that wealth builds our churches, establishes our schools, endows our colleges, and erects our hospitals. But have these institutions been raised without the hand of labor? No, sir; and it is the same hand that has levelled the sturdy oak, the lofty pine, and the towering hemlock, and subdued your forests to a garden. It is not the fact, in this country, that money controls labor; but labor controls money. When the farmer cradles his wheat and harvests his hay, he does not find the laborer on his knees before him at the close of the day, solicitous for further employment; but it is the farmer who takes off his hat, pays him his wages, and requests his return on the morrow.

"Apprehensions are professed to be entertained, that the merchant and manufacturer will combine to the prejudice of the landed interest. But is not agriculture the legitimate support of both? And do gentlemen really suppose that they will madly combine to destroy themselves? If the title to land contributed to the elevation of the mind, or if it gave stability to independence, or added wisdom to virtue, there might be good reason for proportioning the right of suffrage to the acres of soil. But experience has shewn that property forms not the scale of worth, and that character does not spring from the ground. It seems, indeed, to be thought, that poverty and vice are identified. But look to the higher classes of society. Do you not often discover the grossest abuse of wealth? Look to the republics of Greece. They were all destroyed by the wealth of the aristocracy bearing down the people.

"And how were the victories of Greece achieved in her better days? By the militia. How were the liberties of Rome sustained? By her militia. How were they lost? By her standing armies. How have we been carried triumphantly through two wars? By the militia—by the

very men whom it is now sought to deprive of the inestimable privilege of freemen. And whom do you find in your armies in time of war? The miser? The moneyed Shylock? The speculator? No, sir; it is the poor and hardy soldier who spills his blood in defence of his country; the veteran to whom you allow the privilege to fight, but not to vote. If there is value in the right of suffrage, or reliance to be placed upon our fellow-citizens in time of war, where, I ask, is the justice of withholding that right in times of peace and safety?"

Judge Radcliff, Messrs. Tompkins, Livingston, Cramer, Buel, Ross, Van Buren and Young argued ably in favor the report of the committee; and among the most distinguished of those who opposed it, were Judge Van Ness, Mr. E. Williams and Mr. Van Vechten. These gentlemen, and especially Mr. V. V., discussed the question with great ingenuity and talent.

Mr. Young spoke last in support of the report, when the subject was in fact exhausted; and he very properly curtailed his remarks, and did not enter into a general examination of the questions which had then been so fully discussed. But Mr. Van Buren's speech, if I may be permitted to express an opinion, was greatly superior to any other which was made on that vitally important question. There was nothing in it of clap-trap and party slang: it was a dignified, philosophical, and statesman-like view of the subject: logical and eloquent. The principal part of this speech, as reported by Col. Stone, who was by no means partial to the orator, will be found in the proceedings of the convention, (*p.* 255, 265,) and in *Holland's Life of Van Buren*, *p.* 164. If Mr. Van Buren had furnished no other evidence of his talents, this single argument would have entitled him to take rank among the most shining orators and able statesmen of the age.



The strong vote of one hundred to nineteen convinced the opponents of the extension of the elective franchise that all further resistance would be vain and useless.

Attempts were made by Gen. Root, and others, to extend the right of suffrage still further than was proposed by the select committee. This was opposed by Messrs. Van Buren, Duer, Nelson, Sutherland and others, who were for abolishing the freehold qualification of voters. On the other hand, some of those who had most zealously resisted any extension—and among these Mr. Williams of Columbia was very prominent—seemed inclined to support Gen. Root, Gov. Tompkins and Col. Young, in sanctioning almost, if not quite, the principle of universal suffrage. Mr. Van Buren became alarmed at this course. He believed that Mr. Williams, and the gentlemen with whom Mr. W. acted, were desirous of defeating all alterations in the constitution, and he suspected that their object was to encourage Gen. Root and his friends, to push their notions of enlarging the right of suffrage to such an extent as would induce the people to place their seal of condemnation on the whole of the proceedings of the convention. Was there not danger that by an union of action of the ultras of both parties, a result might be produced, of which the people, at that time, would not approve? Mr. Van Buren did not hesitate to avow those suspicions, and put the convention on their guard against such a course of action.

There were, in fact, on this question, three parties in the convention. One of these parties was for retaining the freehold qualification; and these consisted of the nineteen who voted for Judge Spencer's amendment. The antipodes of this party were a very large number of the members who were, in reality, for universal suffrage. At the head of this party were Gen. Root, Gov. Tompkins, Judge Radcliff, and perhaps Col. Young may be consid-

ered as being with them. Between these extremes was a class of men who may be called conservatives, who were for abolishing the freehold qualification, but, at the same time, were for placing some restrictions on the right of voting. They generally held, that an elector ought either to be a freeholder or a house-holder. Van Buren, R. King, Sutherland, Duer, Nelson, N. Williams of Oneida, &c., were among the most prominent men of the conserva tive corps. The final determination of the convention, in respect to the elective franchise, was a compromise between the conflicting opinions of these parties.

In concluding the history of this branch of the labors of the convention, the following reflections naturally occur:

Under the old constitution the power of creating two departments of the government was vested in the freeholders of the state. It was said in the convention, and probably said truly, that of the persons who would vote on the acceptance or rejection of the proposed amendments, nine-tenths were freeholders. Here, then, was a class of men who held the exclusive power of government in their own hands, who were invited to resign, and who voluntarily did in fact resign that power, or a portion of it, to others? Is there in history a parallel to this? How is it to be accounted for? From our cradles we had been taught, that a zealous support of equal rights and an extension of equal civil privileges to all, was an evidence of our devotion to liberty and the true principles of a republican government. Hence it became popular to advocate an extension of the right of suffrage. I infer, then, that it was a sense of justice in some, and a desire of political popularity in others—(a passion, in republics, as controlling as the passion of avarice)—which produced the result —a result which could not fail to astonish the lookers on, in other countries, who witnessed this extraordinary civil and peaceable revolution.



I submit one other remark: It is not at all surprising that many of the members of the convention, who had grown up under the constitution of 1777, should have been alarmed at the idea of universal suffrage. Experience, however, has proved that alarm to have been groundless. In every neighborhood, in every common school district in this great state, there are to be found sober and thinking men, belonging to each of the two great parties, whose opinions regulate and give tone to public opinion in such neighborhood. These men, generally, have no interest other than the preservation of their right to personal liberty and property, and the general interest and prosperity of the country. There is, therefore, no danger, there can be no danger, that such men will countenance any palpably absurd or dangerous measure. It is the office and business of their less informed neighbors to decide upon the conflicting opinions of the leading men of these little circles, none of whom, as we have seen, will ever be found the advocates of either very dangerous or absurd propositions. Hence, the danger from universal suffrage cannot be great; while the benefits secured by it are more numerous than can be here indicated.

It may be true, and it undoubtedly is true, that the right of suffrage is not a natural but a conventional right; else why do we exclude intelligent and virtuous females, and well informed, patriotic young men that are less than twenty-one years old? It may be true, and, I believe, is true, that this right, or privilege, ought to be committed to those persons who will be most likely to exercise it for the public benefit. It may also be true, that the danger to which republics are most exposed, is an union between the extreme rich and the extreme poor, and that, whenever these extremes shall unite and thereby become so numerous as to constitute a majority, the government, although it may retain the name of a republic, will in fact

be despotic. It may be true, and, in my judgment, it is true, that the preservation of our civil institutions depends upon the middle class—a class between the extreme rich and the extreme poor—and it may also be true that this middle class ought to be invested with the power of creating one department of the government. A department thus created might be a *real*, and not a nominal check on the other branches of the state authorities. But to form a co-ordinate branch of the legislature who might safely be relied on to accomplish such an object, the restriction of a freehold qualification of two hundred and fifty dollars is entirely insufficient. It is but a feeble evidence, in this country, of a man's prudence and sagacity that he has acquired a freehold estate of the value of two hundred and fifty dollars; and it is still less an evidence of pecuniary independence. In order to secure the election of a legislative house, by electors who may be presumed to act with perfect pecuniary independence, each elector ought to be worth at least one thousand dollars, over and above all debts. A senate chosen by such electors might be said to represent the property of the community; and what is of still more importance, they unquestionably would represent that middling class of our fellow-citizens, who stand between the very rich and the very poor; and on whose firmness, intelligence, patriotism and virtue, I have already intimated, that even now the preservation and perpetuity of our civil institutions depend. There can be no reason to apprehend danger from the separate action of the extreme poor, because the middling class, in such case, would unite with the rich and overbalance the poor both in numbers and intelligence; nor is there reason to fear danger from the extreme rich, for were they to undertake to act as a distinct party, the middling class would unite with the extreme poor and effectually defeat all their projects. Perhaps danger may be anticipated



from an union of action between the extreme rich and the extreme poor, it being possible that these two classes may overbalance the middling class.

Another great object which engaged the attention of the convention, was a reform or alteration in the judicial department of the government.

The judiciary of the state of New-York, under the old system, had merited and acquired a high reputation for legal learning and talent, as well as for independence and integrity in the administration of justice. This reputation was not confined to our own state. The decisions of our high judicial tribunals were treated with marked respect, not only by the ablest lawyers in our sister states, but by the legal profession and superior courts of England. Chancellor Kent, at the time of the convention, was actually giving equity law to every state in the union. There were, however, complaints existing against some of the judges of the superior courts, and especially of the supreme court. It was urged that the population and commerce and capital of the state had immensely increased, probably it had quadrupled, since the supreme court, consisting of five judges, had been formed. That, while the business of that court, and the court of chancery, had increased in a ratio at least equal to the increase of population and wealth, the number of judges employed in the administration of justice had continued to be the same; that the despatch of business which the public exigency demanded, required more force; and many thought that a different organization of the courts of law and equity had become necessary. But this was not all: Complaints were made that the judges of the supreme court had become political partisans; that, while the tenure of their offices secured them from removal, and from the fate of other political partisans, that very immunity emboldened them to be guilty of greater violence as partisans. An-

other advantage which they held under the old constitution, of which they did not fail to avail themselves, was, that although they could not be removed from office, yet they could be candidates for better offices whenever they chose to be so. This was a palpable error in the constitution of 1777. That constitution, by rendering the judges of the higher courts eligible to elective offices, held out a sort of inducement for them to become politicians; and it gave them an unreasonable advantage, for it enabled them to play a political game in which they could not lose, but might win.

The report of the committee on the judiciary, was such as one would think would have been perfectly satisfactory to the chancellor and judges themselves.

Mr. Monroe, as chairman of the judiciary committee, reported: That the court of chancery should consist of a chancellor and vice-chancellor, and that the legislature should be authorized to provide for the appointment of a second vice-chancellor, if, in their judgment, the public exigency demanded the measure; that appeals should lie from the vice-chancellor to the chancellor; that there should be created a superior court of common pleas, which should possess jurisdiction, with very trifling exceptions, concurrent with the supreme court; and that, from this court, error might be brought, directly to the court for the correction of errors; that the judges of these courts should be judges at *Nisi Prius*, and try all the issues joined in their respective courts; and that they should hold their offices during good behaviour, or until they were sixty-five years old:

That the chancellor, vice-chancellor, and judges of the supreme and superior courts, should, together with the senate, constitute the court for the correction of errors; that they should not be eligible to any elective office until two years after they should cease to be judges; and that



the probate and registering of wills should be confided to the courts of common pleas.

This scheme was originally formed, and, as I believe, in all material parts, matured, by that learned lawyer and able statesman WILLIAM A. DUER. At any rate, I have reason to believe such to be the fact, because he communicated the plan to me some time before the meeting of the convention.

On the 22nd of October the convention took this report into consideration.

Mr. Monroe opened the debate by an expose of the principles upon which the committee had acted. The committee, he stated, were unanimous in their report, with the exception of Mr. Wheeler, who entertained opinions adverse to the majority. Mr. M., in his address, carefully abstained from any allusions to party considerations, or to the political principles or conduct of any of the judges He discussed the question in the abstract, and confined himself entirely to topics of a public and general character.

Immediately upon the close of this speech, Gen. Root rose and offered a substitute, providing that the judicial power of the state should be vested "in a court for the trial of impeachments and the correction of errors, to consist of the president of the senate, and the senators; in a supreme court, to consist of a chief justice, and not more than four, nor less than two, associate justices; in circuit courts, and courts of common pleas, and in justices of the peace, and in such other courts, subordinate to the supreme court, as the legislature may from time to time establish. The state shall be divided into a convenient number of districts, subject to alteration, as the public good may require; and for each, a circuit judge shall be appointed: He shall have the same powers as a judge of the supreme court at his chambers: He shall have

the power to try issues, joined in the supreme court; to preside in courts of oyer and terminer and jail delivery; and, if required by law, to preside in courts of common pleas and general sessions of the peace. The supreme court, shall have jurisdiction, in all cases, in law and equity; and the legislature may, in their discretion, vest chancery powers in other courts of subordinate jurisdiction: *Provided, however*, That the court of chancery, as at present organized, shall continue, until the legislature shall otherwise direct."

This proposition contemplated a total revolution in the judiciary department.

It proposed, first—The abolition of the existing, and the creation of a new supreme court. Second—The creation of a corps of district judges for the trial of all issues of fact. Third—The abolition of the court of chancery, and the transfer of the equitable powers of that court to the courts of common law.

So far as the interests or feelings of parties were concerned, the great object, on the one hand, was to get rid of the judges of the supreme court, by *constitutionizing* them out of office, and, on the other hand, to preserve them. With respect to Chancellor Kent, as he would become ineligible to hold the office of chancellor within a few months after the new constitution could go into operation, no mere party considerations could have operated on any portion of the convention in their action in relation to the court of chancery. Colonel Young argued in support of Mr. Root's project. He attempted to produce an impression that the plan did not pre-suppose a removal of the judges. He was sustained by Judge Radcliff. Mr. Wheaton, on the other hand, argued in favor of the report of the committee.



Mr. N. Williams suggested a different scheme, (*C. R.* p. 520.) His plan was to leave the supreme court with substantially the same powers it then held; to divide the state into five or more districts, and to appoint a judge in each district, with power to try all issues joined in the supreme court, and to perform certain other duties. The project of Mr. Williams did not seem to excite much attention in the convention.

Now it seems to me, while things were so unsettled, it would have been sound policy in the judges, and those who wished to retain them in office, to have exerted themselves with zeal and energy, either in support of Mr. Monroe's report, or in favor of the plan of Mr. Williams. But I cannot perceive that they did either. They probably were deluded with the vain hope that so many projects would be put forth in the convention, that that body would be so much divided into factions that a majority could not be obtained in favor of any one scheme, and that, for this reason, the convention would dissolve itself, leaving the supreme court in possession of the powers they then held. Mr. Van Vechten, the most able and efficient friend of the judges, was, on this, as on all other occasions, opposed to any innovations or alterations. He was, if I may so speak, constitutionally opposed to all changes. Strange, that such shrewd and sagacious men as Judges Spencer and Van Ness should have so fatally deceived themselves. The increase of population, of commerce, and consequent litigation in the state, eminently demanded some change in the judiciary department. Besides, did not these gentlemen know that there were some dozen of the leading members of that convention, to say nothing of the out-door expectants, who desired to be appointed judges? Did they not know that nine-tenths of

the members of that body had come there with an expectation and determination to make some radical changes in the judiciary department?

The scheme of the committee, as well as that of Mr Williams, would have provided for the public exigency, and would have furnished places for aspirants, while either plan would have secured to the judges the enjoyment of their offices. It was madness in them to hold a neutral position in the vain hope that their enemies would quarrel so much about the mode of dividing the spoils as to separate, leaving them in the quiet enjoyment of their offices.

Gen. Root's substitute was rejected—seventy-three to thirty-six. It would seem that the principal reason for this rejection was, that the substitute contemplated the abolition of the court of chancery.

The question was then taken on the first section of the report of the committee, and it was rejected, seventy-nine to thirty-three. Gov. Tompkins, Mr. Van Buren, Mr. Nelson, Mr. Paulding, Mr. King, Mr. Jay, Mr. Kent, Mr. Van Vechten, Mr. Sutherland, and Mr. Wheaton, voting in favor of it. The judges of the supreme court did not vote.

This vote was considered by the convention a rejection of the whole report.

Various projects were then submitted, by individuals, to the convention, among which was one by Mr. Dodge of Montgomery county, and one by Mr. Van Buren, both of which proposed the creation of circuit judges, leaving the supreme court in possession of its existing powers. These propositions were referred to a committee of seven, consisting of Monroe, Young, Root, Buel, N. Williams, Van Buren and Schenck. The next day this committee reported in favor of the creation of circuit judges.



Upon the coming in of this report, Col. Young remarked that the committee were the last evening unanimous, but that one member had that morning changed his opinion, which had set every thing afloat.

Mr. Monroe then proposed, as a first section of the proposed amendments, a provision for the preservation of the court of errors, *the* court of chancery, and *the* supreme court.

Gov. Tompkins thereupon rose and said, he "did not rise to take any part in the discussion; but as it seemed that the committee had not been unanimous, and that a part of the report had been stricken out, he would move, for the purpose of presenting the question fairly to the convention, to re-insert the same, to constitute the first section, in the following words:

"The judicial power of this state shall be vested in a court for the trial of impeachments and the correction of errors, to consist of the president of the senate, the senators, the chancellor, and the justices of the supreme court —in a court of chancery, possessing the same jurisdiction and powers as the present court of chancery—in a supreme court, to consist of a chief justice, and not more than four and not less than two associate justices, as the legislature may prescribe, possessing the same jurisdiction and powers as the present supreme court of this state, and the justices thereof, now possess—in courts of common pleas—of general sessions of the peace, and in such other courts as may from time to time by law be established."

It will readily be perceived that the one plan, if adopted, would retain the judges of the supreme court, while the adoption of the other would proably result in their removal. There was, as Mr. Briggs on some occasion observed, a great difference between a constitutional provision establishing *the* supreme court and *a* supreme court.

Mr. Monroe stated, in explanation, that the committee the last evening were equally divided; three were for one project, and three for the other; that, as chairman, he, at that time, decided in favor of the plan embraced in the amendment offered by Gov. Tompkins; but subsequent reflection had convinced him he was wrong, and he had that morning called the committee together and informed them of his change of opinion, and altered the report accordingly.

The amendment of Gov. Tompkins was opposed by Buel, Edwards and Van Vechten, at some length, and with great ability; and supported by Gen. Root in a speech in which he animadverted with much severity on the political conduct of the judges. He also gave, in detail, the proceedings of the select committee, and alluded with great severity of sarcasm to the conduct of the chairman. Mr. Van Buren, in his reply, made one of his best and happiest efforts. He said, "as he was a member of the committee whose report was under consideration, and to the proceedings of which such frequent reference had been made, some explanation of his views became a duty. He did not think that this committee could receive much advantage from a detail of the particular proceedings of the select committee, and he would not therefore follow his colleagues, in the examination of those proceedings. What had already transpired, superseded the necessity of saying that there had been much warmth and altercation among them; there had, in truth, been that unprofitable, as well as unpleasant excitement, which he had anticipated yesterday, when he made an unsuccessful application to the convention to be excused from serving on it.

"The true and only question presented by the amendment offered by the president, was, whether this committee were prepared to insert an article in the constitution, for the sole purpose of vacating the offices of the present chancellor and judges of the supreme court; to separate



them from the other officers in the state; and to apply to them a rule, which had not as yet been applied in a single instance. Gentlemen might attempt to disguise the matter as they would; it was in vain to hope that it could be understood by the people in any other light."

He argued that no public considerations called for the removal of the judges, and having, as he believed, proved the truth of the proposition, he said, "there were, therefore, no public reasons for the measure, and if not, then why are we to adopt it? Certainly not from personal feelings. If personal feelings could or ought to influence us against the individual* who would probably be most affected by the adoption of this amendment, Mr. Van Buren supposed that he, above all others, would be excused for indulging them. He could with truth say, that he had through his whole life been assailed from that quarter, with hostility, political, professional, and personal—hostility which had been the most keen, active and unyielding. But, sir, said he, am I on that account, to avail myself of my situation as a representative of the people, sent here to make a constitution for them and their posterity, and to indulge my individual resentment in the prostration of my private and political adversary? He hoped it was unnecessary for him to say, that he should forever despise himself if he could be capable of such conduct. He also hoped that that sentiment was not confined to himself alone, and that the convention would not ruin its character and credit, by proceeding to such extremities."

After some further discussion, the question was taken on the amendment proposed by Gov. Tompkins, and lost: sixty-four to forty-four.

The first section proposed by Mr. Monroe was lost, by the strong vote of eighty-six to twenty-five. Several other projects were presented to the convention, but none

* Presumed to allude to Judge Van Ness.

were favorably received. On the first day of November, however, Gen. Carpenter, a lay member from Tioga county, submitted to the convention the following propositions:

"I. The supreme court shall consist of a chief justice and two justices.

"II. The state shall be divided, by law, into a convenient number of districts, not less than four, nor exceeding eight, subject to alteration by the legislature, from time to time, as the public good may require; for each of which a district judge shall be appointed in the same manner, and hold his office by the same tenure as the justices of the supreme court; who shall possess the powers of a justice of the supreme court at chambers, and at the trial of issues joined in the supreme court, and preside in courts of oyer and terminer and general jail delivery; and such equity powers may be vested in the said district judges, or in the courts of common pleas, or in such other subordinate courts as the legislature may by law direct, subject to the appellate jurisdiction of the chancellor."

This proposition, if adopted, involved the destruction of the old court, because it proposed the creation of a new one. From several intimations made by members of the convention, it appeared that a considerable portion of that body had become jealous of the lawyers who were members of it. It is not improbable that Col. Young, General Root, and some other lawyers, who, it will be perceived, were active in favor of the removal of the judges of the supreme court, had concocted this scheme, and had selected Gen. Carpenter as their agent to propose it, with a view of eluding the jealousies to which I have referred. It was, in substance, the same plan which had been agreed on by the majority of the committee, on the evening of the 24th October, and which had been virtually rejected by the convention.



The next day Gen. Carpenter's proposition was discussed, and it soon became evident that several gentlemen, who had before manifested a desire to preserve the judges of the supreme court, were now in favor of Gen. Carpenter's plan. Among these were Doct. Clarke of Delaware, and Mr. N. Williams of Oneida counties.

The project was supported by the gentlemen last mentioned; by Gen. Root and Col. Young, with their usual ability; and by Peter R. Livingston, who, instead of reasoning, seemed to content himself with delivering a violent philippic against the judges. He, among other things, alleged that his great object was to bring those gentlemen within the reach of the appointing power. Mr. Briggs, also, made a very cogent argument in favor of Gen. Carpenter's resolutions.

Mr. Buel, Mr. Monroe and Mr. Van Vechten, argued on the other side of the question. The speech of Mr. Buel was very able. During the course of the debates, Judge Spencer addressed the convention. He stated that he was in favor of appointing circuit judges, who should aid the judges of the supreme court in the trial of issues of fact, and who should, *ex-officio*, be members of the court of errors. He said that his official duties would call him the next day from Albany, and that that was the last time he should address the convention. He said that he had little or no personal interest in the question; that he should very soon be constitutionally ineligible to the office of judge; and he made an affecting, dignified, and manly appeal to the convention, in relation to the fidelity and integrity with which, for eighteen years, he had discharged his duties as a judge of the supreme court. The speech is well worthy of a perusal, and will be found in *C. R. p.* 604.

Mr. Wheaton proposed the following amendment to the first section offered by Gen. Carpenter:

"But this limitation of the number of the said justices, shall not take effect until their number shall be reduced to three, by death, resignation, the constitutional limitation of their term, or removals from office; and that until such reduction is made, the said justices shall continue to hold the sittings and circuits in such counties as may be prescribed by law."

The vote on this question may be regarded as affording a true test of the feelings of the members, either for or against the judges; and the result shows that a large majority of the convention were against them, at any rate, that a large majority were for subjecting them to the ordeal of the appointing power. Mr. Duer, though opposed to the project of General Carpenter, made a brief speech in opposition to this amendment. It was rejected by a vote of sixty-six to thirty-nine. I observe that Van Buren, Dodge, N. Sanford, Sharpe and Yates, all prominent democrats, voted for Mr. Wheaton's amendment, and of course, for retaining the judges.

The question was then taken on the whole proposition of Mr. Carpenter, and it was adopted, as follows:

AYES—Messrs. Barlow, Birdseye, Briggs, Brinkerhoff, Brooks, Burroughs, Carpenter, Carver, Case, Child, D. Clark, R. Clarke, Cramer, Dubois, Eastwood, Fenton, Ferris, Frost, Hogeboom, Howe, Humphrey, Hunt, Hunting, Hurd, Knowles, Lansing, A. Livingston, P. R. Livingston, Moore, Nelson, Park, Pike, Pitcher, Price, Pumpelly, Radcliff, Reeve, Richards, Roswell, Root, Rosebrugh, Ross, Russell, R. Sandford, Schenck, Seely, Sheldon, Starkweather, Steele, Swift, Taylor, Townley, Townsend, Tripp, Tuttle, Van Fleet, A. Webster, E. Webster, Wheeler, N. Williams, Wooster and Young—sixty-two.

NOES—Messrs. Bacon, Baker, Beckwith, Breese, Buel, Clyde, Collins, Dodge, Duer, Dyckman, Edwards, Fairlie



Fish, Hallock, Hunter, Huntington, Jay, Jones, King, Lawrence, Lefferts, McCall, Millikin, Monroe, Paulding, Porter, Rhinelander, Rogers, Rose, Sage, Sanders, N. Sanford, Seaman, Sharpe, I. Smith, R. Smith, Stagg, I. Sutherland, Sylvester, Tallmadge, Ten Eyck, Van Buren, Van Horne, J. R. Van Rennsselaer, Van Vechten, Verbryck, Ward, Wendover, Wheaton, E. Williams, Woods, Woodward, and Yates—fifty-three.

This vote settled this great question, and it only remained to fix on the details, which were mere matters of form and soon arranged.

There was yet another great and important subject which engrossed much of the attention, and excited the action of the convention. This was the power of appointing to office, and the manner of exercising it.

The committee, to whom the part of the constitution relating to that subject was referred, of which Mr. Van Buren was chairman, reported, on the 17th day of September:

That the council of appointment should be abolished; that all militia officers, with the exception of major generals and the adjutant general, should be elected by persons subject to perform military duty; that most of the state officers, such as the comptroller, the secretary of state, the surveyor general, &c., should be appointed by the two houses of the legislature, in the manner senators of the United States were appointed; that the governor should nominate, and by the consent of the senate, appoint all judicial officers, (except justices of the peace, who were to be chosen by the people,) and sheriffs of counties; that clerks of courts should be appointed by the courts of which they were clerks; and that no judicial officer should be removed, except by the majority of the senate, upon the recommendation of the governor, setting forth the cause of the removal.

From a schedule annexed to the report, it appeared there were eight thousand two hundred and eighty-seven military, and six thousand six hundred and sixty-three civil officers, then in the state, who received their offices by the appointment of the council of appointment.

The convention, on the first day of October, resolved itself into a committee of the whole on this report.

Before discussing the plan recommended by the select committee, the convention, without debate, resolved unanimously, one hundred and two members being present, that the council of appointment ought to be abolished.

Mr. Van Buren then stated the grounds upon which the committee had founded their report. He said,

"The first question which presented itself for the consideration of the committee, was the propriety of abolishing the council of appointment. On this subject there was no difficulty; the same unanimity prevailed among the members of the select committee in this respect, as in the vote which had just passed in committee of the whole, for the abolition of this power; and in this, they had only acted in accordance with public opinion, by which this feature of the old constitution had been condemned. He would not, he said, detain the committee by giving any reasons for this part of the report; after the unanimous vote just given, this would be a wanton waste of time.

"The next and more important enquiry, was, with respect to what should be substituted in its stead; and here, as was to be expected, a diversity of sentiment prevailed, and many difficulties presented themselves. For the purpose, however, of lessening, as far as was practicable, the objections that would necessarily exist to any general appointing power, wherever placed, or however constituted, they had felt the propriety of reducing the patronage attached to it; and they had, with that view, separated



from it the great mass of the officers of the state. Many of them they had sent to be appointed, or elected, in the several counties or towns, and others they had left to the disposition of the legislature, to provide for their appointment or election, as experience might prove to be most advisable.

"Of the eight thousand two hundred and eighty-seven military officers, they had recommended that all, except seventy-eight, consisting of major generals, brigadier generals, and the adjutant general, should be elected by the privates and officers of the militia.

"Of the six thousand six hundred and sixty-three civil officers now appointed by the council of appointment, they recommend that three thousand six hundred and forty-three should be appointed or elected as the legislature should direct—these were auctioneers, masters in chancery, public notaries, inspectors of turnpike roads, commissioners to acknowledge deeds, examiners in chancery, inspectors for commercial purposes, and some other officers. They also recommend that the clerks of courts, and district attorneys, should be appointed by the courts of common pleas, in the several counties. And that the mayors and clerks, of all the cities, except New-York, should be appointed by the common council of the respective cities.

"Thus far, no great diversity of sentiment had existed among the members of the committee, and there had been a general concurrence of opinion on all the parts of the report already noticed.

"This, together with the justices of the peace, which a majority of the committee had recommended to be elected, left only four hundred and fifty-three officers for whose appointment, or election, it was necessary to provide.

"In addition to the curtailment of the appointing power, to be retained at the seat of government, the committee, under a full conviction that much of the complaint against

the existing council of appointment had arisen from the circumstance of the concentration of power in one body, had thought it wise even here to distribute them; by giving the appointment of the heads of the different departments of this state to the legislature; they being officers entrusted with the public property, whose duties more immediately connected them with that body.

"Still, some officers were left; small in number, it was true, but of considerable interest and importance. They were unanimously of opinion that it would be improper for some of these officers to be elected by the people, and a majority of them supposed that none of them ought to be so elected.

"It became necessary, therefore, to provide for their appointment; and to establish what may be called a general appointing power; though limited in the exercise of its functions to the bestowment of a small number of offices.

"Four plans presented themselves to the consideration of the committee.

"1st. To create a new council of appointment, to be elected by the people.

"2nd. To vest the power of appointment in the executive solely.

"3rd. To give it to the legislature. Or,

"4th. To the governor, by and with the advice and consent of the senate.

"These respective modes had been, he said, discussed and attentively considered by them. The project of electing a council, was thought liable to most of the objections which had been urged against the old council. There would be a want of responsibility, as now. And it was apprehended that their election would create a great excitement. The incumbents in office, and those desirous of obtaining offices, together with their respective friends,

p interest in the election of
d, of course, pervade every
a council were to be chosen
among the members of either
rated entirely from the busi-
nove a part of the objections
present council, it was be-
ling, be attended with serious
arily produce some objection
et at a different time or in a
tion of irresponsibility would

"And this brought them to the fourth and last plan mentioned, to wit: vesting the power in the governor and senate. This, he believed, they had unanimously considered as accompanied with the fewest objections; he might possibly be mistaken, but he was confident they were unanimously in favor of this project in the first instance.

"The committee, he said, were fully aware of the objection to this mode, arising from the unfavorable effect which the possession of the power of appointment was calculated to produce upon the senate as a branch of the legislature; but more particularly from its being a court of the last resort. But they also knew that no plan could be adopted which would be free from objections of some kind—they knew that it was the fate of all human institutions to be imperfect, and they were therefore more content with the system they had recommended, than they otherwise would have been. They found too, that they could not exempt the general appointing power from this objection, unless they gave it wholly to the governor, or to him in connection with a council to be elected by the people; the former mode they had no reason to believe would be acceptable to any portion of the convention; and the latter, they supposed, would not, in all probabiliy, be relished by their constituents much better than the retaining of the old council.

"They had not, he said, been able to derive any material benefit from an examination of the practice of other states. They had examined all their constitutions, and found that they varied greatly from each other. In Pennsylvania and Delaware, the power of appointment to office is vested in the governor singly. In Maine, Massachusetts, Maryland, North-Carolina and Virginia, the go vernor, and a council similar to ours. In Connecticut, Rhode Island, Vermont, New-Jersey, South-Carolina



Georgia, Ohio, Tennessee, Mississippi, and Alabama, in the legislature. New-Hampshire was the only state in which they had a council chosen by the people. In Kentucky, Louisiana, Indiana, Illinois and Missouri, the power is vested in the governor and senate, as is proposed by the report.

"The fact that the constitutions which had been recently formed, and might therefore be in some degree regarded as the most recent expression of the sense of a portion of the American people, were in unison with the plan they had reported, and calculated in a measure to recommend it. And so, likewise, was it, that a similar provision was contained in the constitution of the United States. But here, candor required the acknowledgment that there was an important difference between our state senate and that of the Union—as the first was also a court of denier resort; and the latter possessed no judicial power whatever.

"Those considerations, together with the impracticability of devising any system, which, in their opinion, would be better, had induced them to recommend the constituting of the governor and senate the general appointing power. And they had given the exclusive right of nomination to the governor; this they thought very necessary, and the only way in which that would fix a responsibility for the appointments to be made; and because they were all convinced that the alteration which had been made to the constitution in 1801 had proved injurious, and such, they firmly believed, was now the opinion of the people of this state.

"He was not very sanguine that they had adopted the best and wisest system that could be devised. It was very possible they might be mistaken in their views.

"They had given to the convention the result of their deliberations, to be disposed of as they should think proper. It would be arrogance in them to presume that their judg-

ment on this subject was infallible, or that their report was free from great imperfection. He would say for himself, and from the good sense and good feeling which had characterized the conduct of the committee, he knew he could say for them also, that if any plan should be proposed by others, which would better subserve the public interest, it would receive their cheerful and sincere support.

"Having, then, come to the determination to place the general appointing power in the governor, by and with the advice and consent of the senate, the next question to be settled was, what appointments should be conferred upon it.

"The committee, he said, had all agreed, that the highest military officers should receive their appointments from this source, though some were of the opinion that these might safely be entrusted with the executive alone, as commander-in-chief. They had *all* united in the opinion that all judicial officers, except surrogates and justices of the peace, ought also to be appointed in this way; two members of the committee were in favor of having the surrogates elected by the people.

"With respect to that section of the report which provides for the election of justices of the peace by the people, a great contrariety of sentiment had existed among them. Neither that section, nor the next, which provided for the appointment of certain officers in the city of New-York, had received his assent.

"He had, at every stage of the discussions before the committee, been decidedly opposed to the election of justices; and it had been to him a source of sincere regret, that in that respect he had been overruled by the committee. Only four of the committee had agreed to the section making justices elective, and one of that number had consented to it, rather for the sake of agreeing upon some-



thing to report, than from a conviction of the propriety of the mode recommended. He would, he said, here observe, that the two sections just mentioned were the only parts of the report, of any moment, from which he had dissented. A minority of the committee, however, thought they had not gone far enough in curtailing the patronage of the general appointing power, and were for including sheriffs and surrogates; in this he had differed from them. His reasons, therefore, it would be more proper for him to give when these respective subjects should come under discussion in that committee. He would now content himself with stating, that the majority of the select committee, had not, on the question respecting sheriffs and surrogates, nor on that relating to justices of the peace, any strong personal predilections. They feel themselves entirely open to conviction on these, and on all other points, which might be raised respecting their report; and if, on a fair and deliberate examination, it should be thought that it would be better to have the sheriffs and surrogates elected by the people, they would cheerfully acquiesce in that decision.

"Having now, in a very brief manner, detailed the conduct and views of the select committee, with respect to the appointment and election of officers, he would next submit a few remarks on the subject of the tenure and duration of the several offices. The select committee, he said, had supposed that it would be well to give the militia themselves the power of electing their officers—this course was pursued in several of the states, and, it was understood, had proved beneficial. But the nature of the power to be exercised by these officers, and the necessity of enforcing discipline and preserving a due subordination in the privates, would require that they should, when once elected, be placed beyond their further control. They thought, moreover, that there was something

peculiarly improper in subjecting the commissions of militia officers, in any degree, to the fluctuations of party; and they had, therefore, recommended, that they should not be removed, except by a court martial, or by the senate, on the recommendation of the governor, and even then, that the governor should state the reasons for requesting the removals.

"The committee were also of the opinion, that it was injurious to a due and regular administration of justice that judicial officers, who did not hold during good behaviour, should be at all times subject to removal at pleasure and without cause; and as had hitherto been the practice, to be changed with every fluctuation of party; this instability in the administration of justice was calculated to do permanent and serious injury to the best interests of the state. They believe they have laid the axe to the root of this evil, by rendering it necessary that no removals should take place but for causes publicly assigned; and this, they believe, would be an effectual check to prevent their being made on mere party grounds. It would not, in their opinion, answer to go farther than this; for, if they required a regular trial on all complaints, the whole time of the senate would be consumed with these investigations.

"With respect to the officers to be appointed by the legislature, and the clerks of courts, they had thought that they might with safety be left to be removable at the pleasure of those from whom they received their appointments."

Gen. Tallmadge opposed that part of the report which conferred on the senate any power in relation to appointments. He thought the members of the legislature ought not to have any thing to do with the patronage of the government.

usly opposed the election of
the people of the respective
in his opposition by General

nine persons should be elected
ir offices for three years: but
of the nine should be elected
ested with power to appoint
the first judge, sheriffs, coro-
s, &c.
of a state council of appoint-
ernor and six persons, to be

influence. And what had been the grand cause of this reduction of influence and limitation of power? It was the corruption that had infused itself into all the veins and arteries of the government. More iniquity had been practised in our legislative hall than in, perhaps, all the other states in the union. How, then, should this sore upon the body politic be healed? The unanimous vote of this committee had shown that the council of appointment was an evil. An unanimous sentence of condemnation has been passed upon it. He had not expected so soon to find a proposition for its revival. In this expectation he was disappointed by the motion of the gentleman from Erie."

Mr. Russell's plan of a state council to be elected by the people, was finally rejected, only nine members voting in favor of it. Even Col. Young abandoned him.

On the 3rd of Octorber Mr. Van Buren brought forward the following proposition for the appointment of justices of the peace:

"That the board of supervisors in every county in this state, shall, once in every —— years, at such time as the legislature may direct, recommend to the governor a list of persons equal in number to the justices of the peace by law authorized to be appointed for said county; and the respective courts of common pleas of the several counties shall also recommend a list of the like number, and as often as any vacancies shall happen, the boards of supervisors and courts of common pleas of the counties in which such vacancies may happen, shall recommend lists of persons equal to the number of vacancies in such county; and from the lists so recommended, the governor shall appoint and commission the justices of the peace for the respective counties—that the said justices shall hold their offices for —— years, but may be removed by the governor on the address of the body which recommended their



appointment, stating in writing the grounds of such removal."

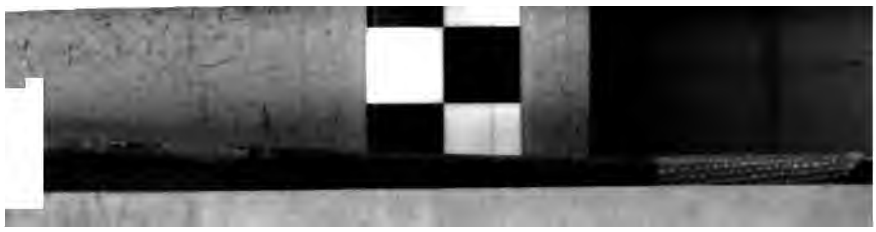
The manner in which justices of the peace were to be appointed, was justly regarded as a question of very great importance, and was elaborately discussed in the convention. Political men, belonging to the democratic party, were desirous to give the control of these appointments to the majority in the state, and eventually to the central appointing power at the seat of government. Hence, Mr. Van Buren, Gen. Root, Col. Young and Gov. Tompkins, advocated any scheme which tended to such a result; while the Clintonian part of the convention, such as Ch. Justice Spencer, Van Ness, J. R. Van Rensselaer, &c., strenuously opposed the system—perhaps partly for the reason that if Mr. Van Buren's plan should be adopted, the disposition of those appointments, would, in all probability, devolve upon their political opponents. It is, however, due to Mr. Rufus King to say, that he advocated, and ably advocated, the election of justices by the people; and that there can be little doubt but that he formed his judgment, as it is hoped many others did, by considering the question on its merits, without reference to its consequences to this or that party.

I hazard little in saying, that for the purpose of carrying the influence of the appointing power into every part of the state, and of making that influence felt at the polls of the election, and as a means of keeping up party discipline, the selection of justices of the peace by a central power representing the majority of a political party, was more efficient than the power to control all the other appointments in the state. The truth of this proposition the politicians in the convention must have seen and felt. Hence it is, that I cannot believe that Mr. Van Buren, Gov. Tompkins, and particularly Gen. Root and Colonel Young, who were democrats of "the most straitest sect,"

would have so strenuously opposed permitting the people to elect their own magistrates, unless they were in some degree influenced by a desire to derive a political advantage from the measure they advocated.

The proposition of Mr. Van Buren, though presented in two different forms, was rejected by a vote of fifty-nine to fifty-six; but it was ultimately substantially adopted and made a part of the amended constitution. This mode of the appointment of justices may be seen by a reference to the 7th section of the fourth article of the amended constitution, as it passed the convention, 1821. Happily the awkward and bungling machinery introduced by that section soon effectually disgusted the people, so that a few years afterwards it was expunged from the constitution, and the right of appointing their own magistrates was given to the people of the respective towns. This great reform was effected upon the recommendation of Gov. Clinton.

Gen. Root moved that sheriffs and county clerks be elected by the people of the respective counties. The appointment of these officers was another great means used by the central power to strengthen its influence, particularly the office of sheriff, who, by means of his deputies, can carry his influence into every neighborhood of his county. The motion was vigorously opposed, but it was adopted by a majority of nearly two to one, (seventy-one to thirty-six.) Gen. Root is entitled to great credit for the zeal and ability with which he advocated this great and salutary reform. He was supported in this measure by the vote and influence of Col. Young. I regret to perceive that Mr. N. Williams, who was as pure and virtuous a man as ever lived, made a most zealous opposition to the election of sheriffs by the people. The following are the names of the gentlemen who voted in the negative:—Messrs. Beckwith, Birdseye, Breese, Brinkerhoff, Buel, Child, Eastwood, Fairlie, Hallock, Hogeboom,



Howe, Jay, Jones, Kent, King, Lansing, P. R. Livingston, Monroe, Nelson, Paulding, Platt, Porter, Reeve, Rockwell, Ross, Russell, Seaman, Ten Eyck, Van Buren, J. R. Van Rensselaer, Van Vechten, A. Webster, Wendover, Wheaton, N. Williams, Woods and Yates—thirty-six.

The appointment of the state officers, including the attorney general, by the two houses of the legislature; of the adjutant general by the governor, and of all the other officers, except some of the officers in cities, by the governor and senate, was agreed to without serious opposition from any quarter.

The adoption of those amendments by the people, broke into fragments and virtually annihilated a power which for nearly half a century had distributed in every quarter of the state the spoils of victory of the one party over the other; which, by its sovereign will and pleasure, had prostrated, as well the high and exalted state officer in the capital, as the humble justice of the peace secluded in his hut in the western or northern wilds—a power which, by elevating some and depressing others, had nourished faction, and frequently produced a state of feeling in the public mind which threatened a dissolution of the bonds which unite together a civilized and christian community.

It was the general sentiment of condemnation of this feature in the old constitution which caused the convention; and the abolition of this odious provision entitles that assembly to the gratitude of present and succeeding generations.

In the first part of these sketches I have remarked that the principal cause why party spirit had raged more in this than in any other state in the union, was, the peculiar organization of the appointing power under the constitution of 1777. A review of our political history will, I believe, satisfy all intelligent and reflecting men that the

proposition is strictly true. The cause being removed, the effect must cease. True it is, that this result was not immediately obvious. Factions did prevail after the adoption of the amended constitution. But men had been so long habituated to act politically from the hope of reward and fear of punishment, that after the means of rewarding and punishing were taken from the hands of the party in power for the time being, many aspirants to office still continued to act as if no change had been made in the principles of the government, and, of course, cabals were formed, and factions occasionally existed. But these commotions grew out of an impulse produced on the public mind by a habit generated under the old government. The ocean, after a storm, will continue to be agitated and its waves run high long after the tempest has subsided; but in time it will become quiet and placid.

So long as man, from the imperfection of his nature, remains liable to err in judgment, so long men will continue to differ respecting the merits of public men and measures. If they are honest and free they will declare their opinions, and be governed by them at the elections. It is this difference of opinion upon which parties are legitimately founded, in a free state. No other parties ought to exist in a patriotic community, and it seems to me, no other parties, under our present constitution, with the amendments which have been made to it, can, to any considerable extent, hereafter exist.

Politicians who imagine that a political party can now be sustained by the charm of names and party discipline, will find themselves deceived. How can you keep up discipline in a party when you have lost the power to reward and punish? What cares the sheriff of the county of Otsego for the political opinions of the president or the governor? It is to the electors of the county to whom he



must render an account—it is to them he is indebted for past favors, and to them he looks for future advancement.

If Mr. Van Buren's original plan had been adhered to —if the appointment of sheriffs and county clerks, and especially of justices of the peace, had been controlled by a central power—the mode of appointment would have been improved, but the work would have more than half been left undone—the great evil would still have existed. True, as Mr. Van Buren said, the appointment of more than eight thousand militia officers would have been taken from the state authorities and given to the people;—but these are offices which are not generally sought for; they are rather a burden than a benefit to the incumbents. It is the civil offices, which afford both honor and profit, which among us are sought with eagerness, and in order to obtain these, according to Mr. Van Buren's plan, the candidate would have been compelled to prostrate himself before the appointing power stationed at the capital. It would, to use a very significant expression of Gen. Root, in the convention, have been "giving the people the chaff" while the wheat was left to pamper and fatten the central power. I do not believe our system of appointments and removals, at present, to be susceptible of improvement. It is as near perfection as it can be.*

* Previous to the final adjournment of the convention, the following highly appropriate and elegant address was drawn and reported by Gen. Root, and was adopted by the convention:

"IN CONVENTION,"

"ALBANY, *November* 10, 1821.

"The delegates of the people, in convention, having this day terminated their deliberations, present to you the constitution of the state, in an amended form, as the result of the arduous and responsible duties which your confidence has imposed upon them. They have adopted this course from a sense of the great difficulty, if not impracticability, of submitting to the people for their ratification, in separate articles, the various amendments which have been adopted by majorities of the convention. This difficulty is very much increased by the reflection, that the adoption of some articles, and the rejection of others, might greatly impair the symmetry of the whole. The convenience of having the amendments incorporated with those parts of the constitution which are to remain unaltered

After the amended constitution was engrossed, the question was put; "shall this constitution pass?"

Before this great question was decided, Mr. Bacon, of Utica, who had opposed many of the amendments which had been adopted by the majority, delivered a brief address, which evinces so much liberality, purity of intention, and patriotism, that I cannot deny myself the pleasure of copying it.

When the ayes and noes were called, Mr. Bacon's name being first on the catalogue, he rose and said:

"That he was sensible that this was not the proper time for exhibiting our respective views of the great question now put to us, in any thing which bore the character of a formal speech, and he was not indiscreet enough to offer himself to the convention with that view. In the situation in which he stood, he asked only to be indulged with stating with great brevity one or two prevaling considerations which had influenced the decision to which he had come.

"That, with most of those now around him, he could undoubtedly say, that this was by far the most solemn and important vote, as to its character, which he had ever been called upon to record on the journals of his country, so,

will readily be perceived. We, therefore, submit to the people, the choice between the old and the amended constitution.

"That difference of opinion should exist among individuals, on the various topics which have passed in review before us, will not excite surprise. Various local interests, and diversity of political sentiment, among a free people, will, of necessity, lead to different opinions. Probably, the amended constitution, now submitted, is not, in all its provisions, in exact accordance with the desires of any individual member of the convention; but in the spirit of mutual concession and compromise, we have come to a result, which we hope the people, actuated by the same spirit, will approve and ratify. We, therefore, submit it to your investigation, reflection, and decision, with the most respectful deference; and do most devoutly implore the Supreme Ruler of the universe that He will perpetuate the blessings of rational liberty, and endue us plenteously with that wisdom from above, which is profitable, and discreet in all things.

DANIEL D. TOMPKINS, President.

JOHN F. BACON, SAMUEL L. GARDNER, } Secretaries."



for himself, he would not conceal that it was one which had subjected him to much more serious embarrassment, as to the result to which, from the highest considerations of public duty, he ought finally to come.

"That the constitution which we were now about to submit to the people of the state, was not by any means such an one as, in reference merely to its own merits, met with his approbation, or as the people had a right to expect of this convention, he did not hesitate to avow as his deliberate opinion. He would not now even glance at those detailed considerations on which this opinion was founded. But situated as we were, there was now left both to us and the people, but a choice of alternatives, and that was between the existing system of government, confessedly and experimentally bad and defective as it was, both in relation to many of its organizations, and its practical operation upon the peace, the welfare, and the best interests of the state.

"In some, and those pretty important respects, he did most firmly believe that the system proposed was by no means an improvement, but on the other hand, clearly worse than that which now existed. The occasion would not permit him even to allude to the particular parts which in his judgment justified him in this conclusion. In other important respects, he was as free to acknowledge that the plan now before us contained material improvement upon the old one, as to the organization and distribution of the great powers of government; and in most of its subordinate details, that it was decidedly superior.

"If he confined his views, therefore, only to the prominent and permanent provisions of both, he should, perhaps, be inclined to conclude that the good and bad features of each were not very unequally balanced; and were it not for one provision, which formed a part of the new system, but was altogether wanting in the old one, (and

which he could have wished had been separately proposed to the people,) he might, perhaps, have thought it his duty to vote against it altogether; and that was the provision for future amendments, which afforded to the people a means of correcting what we had done amiss, and of curing its present and future defects with reasonable facility, without resorting to the difficult and dangerous experiment of a formal convention, which no man, he believed, would wish again to see take place, so long as the acknowledged evils of our present system were at all tolerable. And with this means of setting right whatever had been hastily or unadvisedly sanctioned here, in the hands of the people, he consented, not without much doubt and hesitation, to submit our whole work to their judgment and consideration, leaving even his own judgment open to conviction and reconsideration on that last appeal, should better and more mature counsels convince him he ought so to do; to that decision he should endeavor cheerfully to submit, cherishing, he believed, as few personal hopes or expectations, from any state of things which might grow out of it, as any man within the reach of his voice. Such was the best result of a course of reflection as serious and unprejudiced as he had ever, on any occasion whatever, been called upon to make with himself, and which terminated in the affirmative vote which he was now prepared to give."

When Mr. Bacon had done speaking the clerk proceeded with the call of the roll of members, and but eight of the whole number voted in the negative. These were Messrs. Jay, Jones, Rhinelander, Sanders, Sylvester, Van Horne, Van Ness and Van Vechten.

On motion of Mr. N. Sanford, the thanks of the convention to the president were unanimously voted. To which, Mr. Tompkins replied in the following words :—



CHAPTER XXVIII.

FROM NOVEMBER 10, 1821, TO JANUARY 1, 1823.

THE convention adjourned, without day, on the 10th day of November.

At the meeting of the new congress, in December, a very warm contest arose in the house of representatives in respect to the choice of a speaker. Mr. Taylor was again a candidate, and was supported now, as heretofore, by many of the members from the eastern, middle, and some of the western states. Those members from New-York, who were elected by the party opposed to Gov. Clinton, (and they constituted a majority of our delegation,) warmly opposed the elevation of Mr. Taylor to the speaker's chair. The southern members had some difficulty in fixing upon a candidate; but they eventually united on P. P. Barbour, of Virginia, since an associate judge of the supreme court of the United States, and he was elected. There were five ballotings. P. P. Barbour, Samuel Smith of Maryland, and Cæsar A. Rodney of Delaware, were the southern candidates. On the fifth ballot, Mr. Barbour received eighty-eight votes, Mr. Taylor sixty-seven, and there were seventeen scattering votes. This, it will be seen, gave Mr. Barbour a majority of all the votes. His election was produced by the unanimous support of the bucktail members from this state, whose only objection to Mr. Taylor was, that he was understood to have been favorable to the election of Mr. Clinton, in 1820. Federalists, Clintonians, and democrats, all *professed* to be the supporters of the administration of Mr. Monroe, and, of these three parties, it is probable the federalists were the most sincere friends of that administration.

So far as related to national measures, I am not aware that there was a shade of difference between the Clintonian and the anti-Clintonian democrats of this state. Why, then, should the members of the house of representatives, belonging to the latter class, have voted against selecting a speaker from their own state? Their conduct can only be charged to the rigid system of party discipline which prevailed here. Mr. Gales of the Intelligencer, being astonished and confounded at the course taken by a majority of the New-York delegation, gravely remarked, that "there must be something *peculiar* in the political distinctions in New-York." Mr. Van Buren was then in the United States senate, and it is alleged, and I have no doubt, truly alleged, that he exerted all his influence with the members from this state, to induce them to vote against Mr. Taylor. But Mr. Van Buren, when a candidate for re-election to the presidency, in 1840, experienced in the conduct of his opponents, in his own state, the same want of regard for the character and political influence of the state, as he and his friends manifested in the election of speaker, in 1821. "The same measure ye mete, it shall be measured to you again."

The legislature convened at Albany, on the second day of January. On the evening previous to their meeting, the democratic members of the assembly, held a caucus for the nomination of a speaker. They were divided between Mr. Samuel B. Romaine of New-York, and Mr James Burt of Orange county. The two parties measured their strength by a ballot, and Mr. Romaine received thirty-eight votes, and Mr. Burt but twenty-eight. Romaine was therefore declared duly nominated and the next day he was elected.

After the two houses were organized, the governor met them in the assembly chamber, and delivered an able, though as usual somewhat too long a speech.



In his exordium he alluded, in very handsome terms, to the civil revolution about to be effected in the state government, by the action of the late convention. He abstained, he said, from expressing any opinion on the amendments to the constitution, which had been recommended, because that question was now beyond the reach of all delegated authority, being referred to the final decision of the only sovereign power which existed among us, the people themselves.

He urged that the most safe and certain means of increasing the national wealth, was the vigorous prosecution of the coasting and domestic trade. This would create a demand for home consumption, in the grain growing states. For this reason he thought domestic manufactories ought to be protected by duties on importations from abroad.

He congratulated the legislature on the rapid progress made in the construction of the canals, and he expressed an opinion that the Erie and Champlain canals, which had been commenced on the 4th July, 1817, would be completed during the year 1823. He recommended the formation of a board for public improvement, and he noticed the canals which were then projected in Ohio and Illinois. He intimated that, in his judgment, these infant states ought to be assisted by the general government in carrying into effect the magnificent plans they had projected, and he urged the legislature to instruct the senators and request the members of the house of representatives from this state, in the congress of the Union, to use their efforts to procure a grant, to these states, of the aid which they required.

The city of Washington had applied, through the executive of this state, for its influence with the national government, to persuade that government to assist them in the execution of their plans of improving that city,

which the governor recommended to the favorable attention of the members.

He made various other important suggestions, among which was a recommendation to alter and improve our code of criminal law, and concluded what was supposed to be his last legislative address, with this very commendable advice: "whatever diversity of opinion may exist, I am persuaded that we will all co-operate with a sincere and entire devotion to our solemn and momentous duties, in cherishing a spirit of conciliation and forbearance, and in cultivating that respect which we owe to each other and to ourselves."

This liberal and patriotic suggestion did not receive the attention which its intrinsic merits demanded from an enlightened body of men; for Mr. Ulshoeffer immediately moved that a committee be appointed to consider the propriety of answering the governor's speech; which motion prevailed, and he was appointed chairman of that committee. He made a labored and long report, in which he animadverted, with great severity, on the practice of the governor, in delivering a speech, instead of sending a message to the legislature, a practice by the by, which had been in use ever since the organization of the government. He concluded his report by recommending the adoption of the following resolution:

"*Resolved*, That this house approves of the declaration of the late assembly, 'that the custom of delivering a speech by the executive to the legislature at the opening of the session, and of returning an answer to the same, is a remnant of royalty, not recommended by any considerations of public utility, and ought to be abolished.'"

Several years before, the governor had in his annual speech, stated to the legislature that on his part he waved the claim on them for an answer, but that he preferred



coming in person to the legislature and delivering an address, to sending a message, because, in his judgment, that course was most respectful to the representatives of the people. Whether the governor would address the members personally or communicate with them by message, was a matter which it was as exclusively his province to decide as the hour of meeting of the assembly was for them to determine. He had decided on the question and was supported in that decision by the uniform practice of his predecessors, and he had rendered a modest and respectful reason for the course he had adopted. All that the assembly would do, was to determine that they would make no answer to his speech; and the expression of this determination was unnecessary, because the governor had informed them he neither required or expected any. The assertion that the practice of delivering speeches and making answers was "*a remnant of royalty*," must have been made for the sole purpose of producing effect.

"Mr. J. M'Kown said he was opposed both to the report and resolution. The committee had travelled out of their bounds, and had speculated upon abstract subjects, which had not been submitted to their consideration. He then offered as a substitute for the resolutions offered by the chairman of the select committee, the following recital and resolutions.

"Whereas, the committee who were appointed to report on the propriety of answering the speech of his excellency the governor, have reported to the house, and given statements and opinions on matters not submitted to them; therefore,

"*Resolved*, as the sense of this committee, that they disagree to the report of the select committee, and that the said committee be discharged from any further consideration of the subject referred to them.

"*Resolved*, That the former custom of returning an answer to the speech of his excellency the governor having been abolished, this committee does not deem it necessary to revive such practice.

"Here an animated debate ensued, which occupied the principal part of the day, and in which the substitute offered by Mr. M'Kown was supported by the mover, and by Messrs. Ford, Cady, Rumsey, Ruggles and Bronson; and opposed by Messrs Ulshoeffer and the Speaker; when the question on the subject was taken by ayes and noes, and decided in the negative."

After this matter was disposed of, very little of party feeling was elicited during the remainder of the session.

It is worthy of remark, that although after the adjournment of this legislature, the Clintonian party apparently ceased to exist, that party, as represented at the seat of government, had the appearance of considerable strength. It held the executive department of the government; its members in the assembly had increased since the preceding year, and it possessed in that body a decided preponderance of talent. Messrs. McKown, Bronson, (now a judge of the supreme court,) Ford, Ruggles, and J. W. Cady, were men whose talents would have rendered them an ornament to any deliberative body. In the senate, too, the party had received an accession of members, and personal weight of character. But, notwithsanding this, an impression almost universally prevailed, that the Clintonian party could not regain its ascendancy, and therefore, as an organized party, it was dissolved the ensuing summer, by a general, though a tacit consent.

On the 10th of January, the assembly proceeded to the choice of a council of appointment, and John Townsend of the southern, Charles E. Dudley of the middle, Benjamin Mooers of the eastern, and Perry G. Childs of the western districts, were elected. The members were all



opponents of the governor, notwithstanding the two gentlemen last named were elected as his political friends, in opposition to candidates who frankly avowed different political views. This was the last council of appointment, but it did very little; for, in fact, there was very little to be done, unless they had busied themselves in turning their own friends out of office. I take this occasion to remark, that Mr. Dudley and Gen. Mooers were mild and moderate men, perfectly kind and amiable in their feelings, and would have been very illy suited by nature to have performed the part which was performed by their immediate predecessors.

The legislature, durng this session, passed laws for apportioning the members of assembly among the several counties, according to the whole number fixed by the new constitution; also directing the time and manner of electing the state officers by the two houses, and of appointing the justices of the peace in the various counties of the state, and for limiting the coroners to be chosen in each county to the number of four. They also passed a law dividing the state into thirty congressional districts.

By the eleventh section of the seventh article of the amended constitution it was provided, that no lottery should thereafter be authorized in the state; that the legislature should pass laws to prevent the sale of all lottery tickets within this state, except in lotteries already provided for by law. This clause recognized the lottery grants already made by the legislature. The only grants then existing were those munificent provisions for our literary institutions which were granted in the year 1814.

Under the old lottery system, the managers were appointed by the state, and in that way the state became liable for all losses which arose through the neglect or misconduct of the managers. Apparently for the purpose of relieving the state from this responsibility, on the fifth

of April, a law was passed authorizing the institutions, for whose benefit these lotteries had been granted, to assume the supervision and direction of the lotteries, and to appoint such and so many managers or agents as they should deem proper, and to make such contracts in relation thereto as they might think expedient. By this act, the state, in a great measure, parted with its control over the lotteries; and the institutions, which, I believe, were principally represented by Doct. Nott, *contracted* with Mr. John B. Yates and Mr. Archibald McIntyre to manage the lottery. This was one of the most important contracts, if so it might be called, that ever was made and executed in this community. By it, Messrs. Yates and McIntyre were vested with the exclusive monopoly of issuing and vending all the tickets, which, in all future time, were to be put in circulation in the state of New-York, until they should, from that portion of the gains which they did not apply to their own use, pay several hundreds of thousands of dollars to the literary institutions. The time within which the contractors should pay and satisfy the grants made to the institutions, was to be fixed by the comptroller. There was no reason to apprehend that he would be inclined unreasonably to restrict the time for the existence of the monopoly, provided the contractors should satisfy the institutions, and keep them quiet. This, to say the least, was an extremely ill-advised and hazardous act of legislation. Fortunately for the public and the literary institutions, the contractors were men of high honor and integrity, and I believe, so executed the law and their contract as fully to carry into effect the intention of the legislature. They actually closed the business within a reasonable time. They made, as was to have been expected, and indeed, as perhaps was right they should have made, a splendid fortune out of the enterprise. Mr. John B. Yates, a talented and benevolent man, within a few



years after this contract was made, assigned his interest in it to his brother Henry Yates, the senator whom I have so often mentioned, and Mr. John Ely, Jun. another remarkably correct business man, and he himself retired to his residence in the country, where he not long ago died, highly esteemed and deeply lamented. Mr. McIntyre, from the time he engaged in this business, withdrew from any active participation in political contests. His success in the execution of this great contract rendered his removal from the office of comptroller instead of being an injury, a great favor to him. After closing his business as lottery contractor, he returned to his old and favorite city, Albany, where he now lives in the enjoyment of all that happiness which the consciousness of a well spent life, the gratitude of his numerous friends, (many of whom, from the kindness and benevolence of his nature, he has saved from ruin,) and the universal esteem of the wise and good, can confer.

The legislature adjourned on the 17th of April, without passing any law of importance, except those to which I have alluded.

During this winter, the people at the polls of election, passed upon the question whether the amended constitution should be adopted or rejected. In the month of February returns were made at the office of the secretary of state, from all the counties in the state, from which it appeared that there were given seventy-five thousand four hundred and twenty-two votes for the constitution, and forty-one thousand four hundred and ninety-seven against it, exhibiting a majority of THIRTY-THREE THOUSAND NINE HUNDRED AND TWENTY-FIVE. It was fortunate that so great a unanimity of opinion prevailed on this vitally important question, and it was creditable to the character and intelligence of the people, that this civil revolution was brought about, and that it finally terminated

in a manner so quiet and peaceable. The experience of a few years convinced all candid men who voted with the minority, that the new constitution was preferable to the old.

For the purpose of exhibiting the spirit of the times, I think it will be proper to detail an incident which took place in relation to the Albany post office, although the occurrence itself was not necessarily connected with the state politics. Mr. Southwick, who had been for several years post master at Albany, had become a defaulter, and was on that account removed from the office.

Gen. Solomon Van Rensselaer, then a member of congress from the county of Albany, was a candidate for appointment, to the vacant office. Gen. Van Rensselaer had been a steady and uniform federalist; but from his boyhood he had manifested a greater inclination for military than civil life. He had much rather shoot at an enemy, in arms against his country, than argue a constitutional question with his neighbor. His gallant services under Gen. Wayne, in his Indian expedition, and at the head of the New-York militia on the Niagara frontier, (though the attack was imprudent and ill judged,) during the last war, were then, and indeed now, too well known to require to be detailed on this occasion. A respect for his military services and personal bravery induced many of the republican members of congress, especially from the western states, to advocate his appointment, and he was accordingly appointed. Chancellor Lansing was the candidate nominated by the democratic party at Albany. Previous, however, to the decision of the national executive in relation to the Albany post office, vice-president Tompkins, and the two New-York senators, Rufus King and Martin Van Buren, communicated to the president and post master general a formally written protest against the appointment of Mr. Van Rensselaer, exclusively on the ground that he was a federalist.* This semi-official avowal of a

* See Note P



cause why a gallant soldier should not participate in the civil patronage of the government, was viewed with wonder by some of the republican members who were unacquainted with New-York politics. To us it was not at all surprising. The course of Gov. Tompkins and Mr. Van Buren, on this occasion, was in substance the same which had been pursued by both political parties since the famous council of 1801, called Clinton and Spencer's council. What, I suppose, excited more zeal on the part of Mr. Van Buren, was the fact that his favorite council, at the head of which stood Judge Skinner, had, the winter before, removed this same Solomon Van Rensselaer from the office of adjutant general, (a military office,) solely on political grounds. He looked, therefore, on the course adopted by Mr. Monroe, of whom Mr. Van Buren and his friends claimed to be the exclusive supporters, as a direct condemnation of the conduct of the democratic policy in New-York. Considering what may be called the common law of parties in this state, and making due allowance for it, I cannot censure with severity the conduct of Mr. Tompkins and Mr. Van Buren. But the conduct of Mr. King ought to be tried by a different rule. He had been uniformly a federalist; had been supported by that party steadily, from the year 1787; had, in 1814, been elected to the United States senate by the federalists, and had been re-elected by their unanimous vote; although, for special and peculiar reasons, Mr. Van Buren and his friends, the last time he was elected, had supported him. It was under these circumstances that Mr. King opposed the appointment of Solomon Van Rensselaer to the office of post-master in Albany, *because he was, or had been, a federalist.*

Mr. Van Rensselaer and his family and friends had twice supported Mr. King for senator and more than once for governor of New-York, and Mr. King for that and







JOSEPH C. YATES.

P. Maverick's Lith. N.Y.



similar reasons, and none other, protested against his appointment. This act was wholly unworthy of Mr. King, who during a long course of public life, on all other occasions, conducted with great dignity; and although we might believe his political opinions erroneous, yet we esteemed and venerated the individual as an high minded and honorable man. He had been a national and not a state politician, and his initiation into the mysteries of Albany politics during the convention, the autumn preceding, must have produced this ill advised act—an act which, I have no doubt, he shortly afterwards regretted.

The question which, among politicians, absorbed all others, and indeed engrossed the attention of the New-York public in general, was, who should be the next governor? The government, under the new form, was to be put in operation by the executive and legislative authorities, who were to be chosen in November, 1822. All the civil offices would then become vacant, including the high offices of chancellor and judges of the supreme court, which had heretofore been untangible by the appointing power, and all the great state offices. All these offices were, if I may so express myself, to be thrown together in one mass, at the capitol, and the man who should be elected governor, was to distribute the greater part of them, and bestow them on such persons as he should believe most worthy, or were most agreeable to him. No wonder then that deep and intense anxiety should have pervaded the minds of all in respect to his selection.

From the result of the election of members of assembly, in 1821, and of delegates to the convention, in June of that year, and also from the general tone of public sentiment every where expressed, it was most evident that the candidate, who should be nominated by the democratic party, would be elected. All the intelligent friends of Mr. Clinton were convinced of this, and unreservedly



declared to him that such was their opinion, and they therefore advised him to decline a competition. He, for some time, hesitated, but finally yielded to their suggestions. But, in order to carry him off the field with the best possible grace, a meeting was got up in Albany by Ms. William James, Mr. Archibald M'Intyre and a few others of Mr. Clinton's staunch friends, at which they passed resolutions highly laudatory of his character and public services, and appointed a committee to inquire of him whether he would consent to be a candidate for re-election. As was anticipated, he expressed his determination not to suffer his name to be used. The field was of course left clear for any man who should be so fortunate as to obtain a regular legislative caucus nomination of the democratic party. This state of things led to a scene of manœuvering and electioneering by the aspirants to the executive chair, and their respective friends before unequalled and unprecedented. Several gentlemen were named—Mr. Sandford, Gen. Root, P. B. Porter, Henry Seymour and sundry others were spoken of, but the contest finally settled down between Judge Yates and Col. Young. I have no doubt that Gov. Tompkins would have preferred the government of this state to the vice presidency, but whether he considered his acceptance of that office a bar to his being a candidate for the office of governor, or whether his political friends were disinclined again to support him, I am not advised. The probability however is, that the party generally desired to bring some new man into the government, for it is certain Mr. Tompkins was not seriously mentioned as a candidate. Col. Young was admitted by all to be a man possessing talents of a high order. His political tact and character had been fully developed in the legislature, in the convention and as a state officer. No man charged him with a want of integrity; but he was considered by his political opponents

and also by some who claimed to be of his own party, as ultra radical in his political views and illiberal if not ferocious towards his opponents.

Joseph C. Yates had been for many years a judge of the supreme court; his friends did not claim for him either great or brilliant talents, but he was supposed to be discreet, cautious and prudent; he was modest and mild in his deportment; he had never given evidence of a vindictive, persecuting spirit, and he, as I said of Mr. Van Vechten, was constitutionally opposed to serious innovations.

Mr. Young, therefore, was supported by a large majority of what are called your thorough going politicians, while the more mild and conservative portion of the party were for Mr. Yates. But various personal considerations influenced many of the the members to take sides for one or the other candidate according to their individual, supposed or real interest, or their personal predilections or prejudices.

The friends of Gov. Clinton, and especially of Chief Justice Spencer, and indeed the other judges of the supreme court, were very desirous that Yates should be nominated; and although they could have no direct public influence with the democratic members, yet they had personal friends, either among the members or those who had influence with them, which was brought to bear, no doubt with considerable effect.

The secretary of state, Mr. John Van Ness Yates, who was a distant relative of the judge, was a man of engaging manners and good address, and had many personal friends. His residence was at Albany, and his official station enabled him to keep up a constant intercourse with most of the republican members of the legislature. He did not fail to put in requisition all his skill and ingenuity in behalf of the nomination of Judge Yates.



A caucus of the democratic members was eventually held, and Mr. Yates obtained a considerable majority over Col. Young, and was declared duly nominated. Col. Young was in Albany, on the evening of the caucus. A gentleman who spent the evening with him, wrote me that the Colonel appeared perfectly indifferent about the result, and when a messenger came in and announced the nomination, Mr. Y. jocosely said, "I can do without the state of New-York, as well as the state can do without me." "This," says my correspondent, "would have been a little vain-glorious if he had been chagrined, or had not actually spoken it in a style of badinage."

After it became evident that the Clintonian party would not present a candidate in opposition to Judge Yates, and early in the summer of 1822, Mr. Solomon Southwick announced himself as a candidate. There was something singular in the mental constitution of Mr. Southwick. He was, beyond question, a man of genius; but no man ever lived, who might be called sane, who was so much under the control of passion and wild fancies. His imagination was most ardent and constituted the controlling power of his mind. Nature had formed him for a poet. Indeed, he wrote poetry with considerable taste and elegance. When he was in the full tide of success as a business man and politician, which embraced the period from 1804 to 1812, he was suddenly raised, by a combination of fortuitous circumstances, to great political influence, and money flowed into his coffers he scarcely knew how or why. During that period he indulged in pleasures. He was benevolent, nay, generous, to a fault. Many of the objects and recipients of his bounty were utterly unworthy, and such were, of course, ungrateful when he ceased to have the power to minister to their pleasures or their wants. In the days of his prosperity his wild and extravagant imagination led him into absurd and ridicu-

lous speculations, which ended in his bankruptcy for thousands of dollars. After he was reduced to poverty, and his political influence was entirely prostrated, he became still more visionary and fantastic.

I believe it is Mr. Hume who says, that men in desperate circumstances, when all reasonable hope of relief from human agency fails, are generally disposed to hope for aid from the miraculous interposition of some invisible power. This propensity in human nature, if it exists, was rendered the more active in Mr. Southwick, by his ardent and uncontrolable imagination. He was in daily expectation that the next mail would bring him news that he had drawn the highest prize in a lottery; and I have known him borrow money of a friend under a solemn pledge of his honor, and he would gladly have pledged his life, for its repayment in ten days, and have afterwards ascertained that his sole expectation of redeeming his pledge depended on his drawing a prize when the next lottery in which he was interested should be drawn. When I say that I think Mr. S. was honest when he made those assurances, I shall scarcely be believed; and, if I am believed, when I say I consider him a man of talents, I shall be regarded as absurd. But let any man look at the result of his editorial labors in the Albany Register, from 1801 to 1812; to his poem entitled "The Pleasures of Poverty," and other productions of his pen, and, it seems to me, the fact that he possessed respectable talents, will not be denied. This was the man who took the field, on his own motion, as the opposing gubernatorial candidate to Judge Yates. But he was doomed to experience, what every man of common sense anticipated, a total failure. He received so few votes that the election of Mr. Yates may be said to have been unanimous. Certainly he was made governor by general consent.



Scarce any opposition can be said to have been made to the election of democratic members of the legislature. The state, by virtue of the new constitution, had been divided into eight senatorial districts. In some of the districts no opposition was made to the regularly nominated democratic candidates, and in all those districts in which an opposition ticket was supported, the democratic senators were elected by triumphant majorities. The following are the names of the persons who composed the first senate which was elected under the new government:

From the First District.

Walter Bowne,	John A. King,
Jasper Ward,	John Lefferts.

Second District.

John Hunter,	John Suydam,
Stephen Thorne,	James Burt.

Third District.

Charles E. Dudley,	James Mallory,
Edward P. Livingston,	Jacob Sutherland.

Fourth District.

Archibald McIntyre,*	Melancton Wheeler,
John Cramer,	David Erwin.

Fifth District.

Samuel Beardsley,	Alvin Bronson,
Thomas Greenly,	Sherman Wooster.

Sixth District.

Farrand Strannahan,	Isaac Ogden,
Tilly Lynde,	Samuel G. Hathaway.

* Of Montgomery county, not the late comptroller.

Seventh District.

Byram Greene,	Silas Bowker,
Jonas Earl, Jun.	Jesse Clark.

Eighth District.

David Easton,	Timothy H. Porter,
Heman J. Redfield,	Joseph Spencer.

For the first time, since the close of the revolutionary war, the senate were, to a man, composed of gentlemen professing to belong to the same political party. Two of the members elect, Mr. John A. King and Mr. Suydam were of that corps which were denominated high minded federalists; but that little band seemed now to be merged in the great republican party.

Mr. Suydam, who resided in Kingston, Ulster county, was a lawyer of distinguished talents, particularly as an advocate; and, as a citizen, he possessed many amiable and excellent qualities. He had been an efficient and zealous federalist. It is said that some years before, a political controversy took place between him and Mr. Van Buren, and that the parties became so highly exasperated that a challenge to a duel passed between them, but that the matter, through the interposition of friends, was amicably adjusted. Mr. Suydam was one of the fifty-one federalists who signed the anti-Clintonian address of April 14th, 1820, and he was a supporter of the election of Gov. Tompkins, at the election which took place in that year. His change from an ardent supporter of Clinton, to an active opponent was extremely sudden.

One evening, during the last part of the session of the legislature, in 1820, at a late hour, Mr. Suydam called at my lodgings and stated that he had that moment left a



caucus of his federal friends, who had been considering the course which they, as a party, ought to pursue at the approaching election for governor; that much excitement and heat prevailed among them; that the friends of the respective gubernatorial candidates were unable to harmonize; that they had separated with a determination to oppose each other, and that he regretted to say that not only political differences, but personal animosities existed among them. He expressed great anxiety for the success of Mr. Clinton. While we were conversing, the stage coach called to take him to Kingston, and in less than a week afterwards the mail brought me a newspaper from Kingston which contained an account of a public meeting held in that village, within forty-eight hours after Mr. Suydam and I parted, which was attended by him, and in which he made a speech denouncing De Witt Clinton. I do not relate this incident with a view to impeach the integrity of Mr. Suydam, for he was an honorable man, and altogether incapable of dissimulation, but as proof of the suddenness with which, at that day, men of standing and character changed their political positions. Mr. Suydam was an able and distinguished member of the senate.

The members elected to the assembly were also nearly all democrats. It was but now and then that a solitary Clintonian was chosen. This assembly contained but very few persons who had been much distinguished for their talents or standing, as politicians. Among the most prominent, were Jesse Buel of Albany, James Mullett, Jr., of Chautauque, Azariah C. Flagg of Clinton, Abraham P Holdridge, (a Clintonian,) of Columbia, Peter R. Livingston of Dutchess, Richard Goodell of Jefferson, Gulian C. Verplanck and Jesse Hoyt of New-York, James Lynch of Oneida, and Victory Birdseye of Onondaga.

Never had an election occured in which a more quiet calm apparently pervaded the political atmosphere; and yet it was a calm which was, as in free governments it generally is, portentous of a tempest.



CHAPTER XXIX.

FROM JANUARY 1, 1828, TO JANUARY 1, 1829.

THE legislature met and organized on the 7th of January. One hundred and twenty-three members of the assembly were in attendance. Peter R. Livingston, of Dutchess county, received one hundred and seventeen votes for speaker, and, of course, was elected. This strong vote in favor of one of the most violent partisans in the state, exhibits very strikingly the overwhelming strength of the dominant party. It also shows, that among the dominant party those gentlemen who were most distinguished for zeal, I might perhaps say, personal antipathy against Mr. Clinton, and for pursuing a policy the most proscriptive against his friends, were in the ascendancy in that party; for no politician in the state had been more distinguished, both as a member of the last senate, and in the convention of 1821, for bitter and rancorous hostility against Gov. Clinton and his supporters, than Mr. Livingston.*

Immediately after the senate was organized, the lieutenant governor, (Root,) communicated to that body a letter from Jacob Sutherland, stating that "considerations which, on that occasion, were unnecessary, and perhaps *improper* for him to state, had determined him not to take a seat in the senate." The consideration which moved Mr. Sutherland to decline taking a seat in the senate, and which he deemed improper to set forth, undoubtedly, was that he had reason to believe he would be appointed one of the judges, either of the supreme or circuit court; and

* I, of course, speak of Mr. Livingston as a politician. In private life, and in social intercourse, he was courteous, kind, and liberal in his sentiments.

as by the amended constitution, if he accepted of his election as senator, he would be rendered ineligible to receive any office which could be conferred on him by the governor and senate, or by the legislature, during the term for which he was elected, he preferred himself to declare his seat vacant. Many persons entertained scruples whether, even by this step, he could render himself eligible to an appointment by the legislative or executive authorities of the state. The constitution declared that any person who should be *elected*, &c., should be ineligible. Mr. S. had been *elected*, and his election had been duly certified by the canvassing officers. Was he not, therefore, by the letter of the constitution, disqualified? On the other hand, it was alleged, that in order to be brought within the spirit and meaning of the clause in the constitution, he must not only be elected, but, by his own voluntary act, become a *member* of the legislature. This construction of the clause was, on this occasion, deemed correct by the governor and senate, and has, with great propriety, been acquiesced in ever since. It would be absurd to permit a single county to deprive the state of the services of a citizen in the high office of chancellor, judge of the supreme court, &c., by electing him a member of the assembly against his will.

Upon the meeting of the legislature, all men, but most especially the expectants of office, looked with deep anxiety for the action of the governor and senate, and the excitement became most intense.

The message of Governor Yates did not produce an impression favorable to his talents as a writer or statesman. Its chief, if not only merit, was its brevity.

A comparison between the message of Gov. Yates and the speeches of Mr. Clinton, both as respects style and matter, will result in a conclusion very unfavorable to Mr. Y. But, a written document or dissertation is by no



means decisive of the mental capacity and power of the writer. A person who should decide on the talents of Oliver Cromwell and Oliver Goldsmith, by comparing their writings, (if, indeed, Cromwell left any,) would arrive at a most erroneous conclusion.

It can hardly be said that the governor recommended, specifically, a single measure. He advised great caution in passing laws for new modelling the judiciary system. He urged the propriety of passing such laws early in the session as should be deemed necessary to carry into effect the new constitution. He suggested that improvements ought to be made in our penitentiary system, and he recommended the revision of the statute laws.

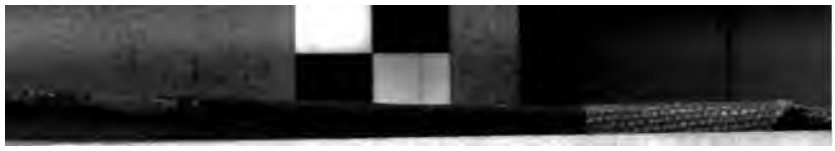
In relation to the appointments to be made by the governor and senate, those in which men of all political parties, and indeed the public in general, took the deepest interest, were the selection of judges of the supreme court. Would the governor nominate, and would the senate confirm, the appointment of the old judges? This was the great and absorbing question.

Gov. Yates had been a long time a member of the supreme court, and he had, during nearly the whole of that time, acted politically with Chief Justice Spencer; and, as will be seen by the reports of the decisions of that court, had almost always concurred in his judicial opinions. Independent, therefore, of his desire to promote the public interest, there can be no doubt but that he felt anxious to preserve the high character of that tribunal, and that he entertained a personal regard for some, if not all of its members. Influenced by these considerations, notwithstanding he must have been fully aware that a violent opposition existed among many, perhaps a majority, of his leading political friends, he nominated Ambrose Spencer chief justice, and Jonas Platt and John Woodworth,

judges. The senate, by nearly an unanimous vote, rejected the nomination of these gentlemen.

The general course of policy which, at this time, governed a very large majority of the senate, which was, not to consent to the appointment to office of a political opponent, would perhaps, of itself, furnish a sufficient cause of the action of that body on this occasion. But there were other causes operating more or less upon the minds of members, and it may be that some other causes were necessary, in order to have produced the result. The chief justice, although an ardent politician, was a man in whose talents, impartiality and integrity, as a judge, the bar and the public reposed universal confidence; and I very much doubt whether even that senate would have ventured to alarm the public mind with fearful apprehensions in relation to the stability of our jurisprudence and the correct administration of justice, which they well knew would be the consequence of leaving off the chief justice, had not other than general political considerations affected their minds. The chief justice, although strictly upright and impartial, was somewhat austere in his deportment, and particularly so to the younger class of lawyers who appeared as advocates in the supreme court. He heard with an impatience which he took no pains to conceal, arguments on points which, with his long experience and profound knowledge of the law, were already, in his own mind, decided. His deportment, on these occasions, had, unknown to himself, and without, on his part, any unkind feeling, accumulated among the younger members of the bar a deep and settled prejudice.

An influential and highly intelligent member of the senate, in the winter of 1823, has recently had the kindness to write to me on this subject. After alluding to the violence and fierceness of the contest between the Clintonian and bucktail parties, which had then but just termi-



nated, and stating that Mr. Clinton was at that time "an object of deep hostility, and almost of fixed hatred," he adds:—

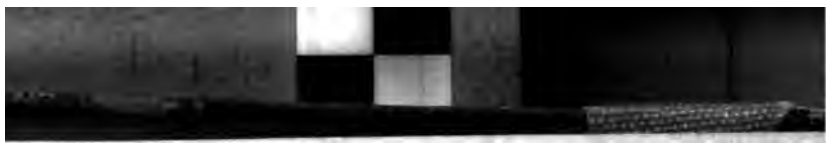
"Of the justice or injustice of this feeling, I am not speaking—it is enough that it existed. To a considerable extent, it was not merely personal, but the proposition to amend the constitution, and the result of the conflict on that subject, certainly arrayed men on adverse sides of great principles. Mr. Clinton, Chief Justice Spencer and Judge Platt, had acted together upon all matters touching the new constitution, and were, for that reason, exceedingly unpopular with the dominant party. Add to this, that the chief justice, by a harsh course on the bench, towards the young men of the profession, had provoked their hostility, and they were ready, at the first opportunity, to exclaim with Napoleon—'the doctrine of reprisals must govern this case.' When the old judges, therefore, were re-nominated by Gov. Yates, the feeling was strong and decided against the confirmation of the chief justice and Judge Platt, and especially so with the younger men of the senate. I speak plainly on this subject, being myself of the profession and the youngest member of the senate, and in what I have stated, my own views, as well as those of others, are expressed."

These undoubtedly were the reasons, and probably the controlling reasons, which produced the rejection of the nomination of the chief justice, and of Judge Platt; but it will be perceived, that none of these objections were applicable to Judge Woodworth. It will be recollected, that, as a member of the council of revision, he voted against the rejection of the convention bill, and from that time, (November, 1820,) he was considered as a member of, and at any rate he acted with, the democratic party. The desire of making more places for political aspirants, and of organizing an entire new court, connected with the

consideration that Judge Woodworth had no hold on his former politcal friends, in consequence of his recent defection, and that he was too raw a recruit in the ranks of the dominant party, then supposed to be quite irresistible, to have gained much influence or standing with them, were probably the causes of his rejection. The majority, however, in favor of his rejection, was by no means so strong as that in favor of the rejection of the chief justice and Judge Platt. I have omitted to mention as I ought to have done, that Judge Van Ness declined being a competitor for a re-appointment—thus leaving the coast clear for Spencer, Platt and Woodworth.

At the same time when the governor sent to the senate his nomination of judges of the supreme court, he nominated Nathan Sanford for the office of chancellor, to take effect in August then next, when Chancellor Kent would, by age, become ineligible. This nomination was unanimously confirmed. These proceedings took place in the senate on the 27th day of January.

On the next day, the governor nominated John Savage, (comptroller,) Jacob Sutherland and Samuel R. Betts, judges of the supreme court. Chief Justice Spencer and Judge Platt, but especially the former, were very much dissatisfied with Governor Yates for making this nomination so soon after their rejection. They complained that they had not sufficient notice of the time when the governor intended to make their nomination; but they particularly found fault with him for his extreme haste in making new nominations. They charged him with insincerity. They seemed to suspect that he had sent their names to the senate for the mere purpose of saving appearances, with a full knowledge, and perhaps with a secret desire, that the senate would reject them. They thought, after their rejection, that the governor ought to have refused for a long time, if not indefinitely, to make any other ap-

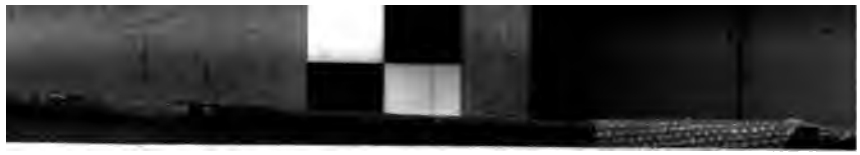


pointments. In this way they would, by a species of legal or political necessity, have been retained in office. These complaints appear to me in a great measure, if not entirely, groundless. From personal communications which I then had with the governor, I had every reason to believe he was sincerely and cordially desirous that the senate should have confirmed his nomination of the old judges; and, after the strong expression in the senate against their appointment, I cannot believe that Gov. Yates would have been justifiable, on his own individual responsibility, to have retained men in high offices in opposition to the public will, as expressed through the constitutional organ of the people—the state senate. He would have been, and I am not sure but that he would deservedly have been, impeached. The senate acted with great promptness on the second nomination of judges of the supreme court; for, on the 29th of January, they confirmed the nomination of John Savage and Jacob Sutherland, but non-concurred in that of Samuel R. Betts.

Mr. Savage was a man of great purity of character and excellent good sense. He had, however, for the two years next preceding his appointment, been entirely detached from law business, and indeed had never been in full practice in that profession. Mr. Sutherland, although confessedly a man of genius and of considerable literary taste and attainments, had, at no period, been in extensive practice as a lawyer; and for some years previous to this time, although he was district attorney of the United States, he had abandoned the practice of his profession in the city of Albany, and retired to a farm in rather an unfrequented part of the county of Schoharie. Although all men had confidence in the integrity and native mental capacity of these gentlemen, yet from the circumstances I have mentioned, the bar were generally apprehensive that the duties of the judges of the supreme court would

and be discharged in a manner so satisfactory to the community as they before had been, and that the high character of that tribunal would not be sustained under the new government. But the candor, industry, caution and excellent judgment of Chief Justice Savage, and the talents and genius of Judge Sutherland, together with the integrity and independence exhibited by both, soon dissipated the apprehensions to which I have alluded. Indeed, these nominations were, perhaps, as agreeable to the senate as any which could have been made. It is true Gen. Root's name was mentioned in connection with the office of chief justice, and Mr. Cramer, and other personal friends of Col. Young, mentioned him as a suitable person for that office, or for the office of chancellor. In fact it was rumored that he was pressed very hard on the governor for one of those offices, whether with his consent or not, I do not know. But, notwithstanding, I repeat, that no nominations could have been made which would have been generally more acceptable than those which were last made by the governor.

Mr. Betts, whose nomination was rejected by the senate, was admitted to be a man of talents, a good lawyer, and of unexceptionable character. Why then should the senate have confirmed the nomination of Savage and Sutherland, and rejected that of Betts? The only reason given by the senators at the time, was that he was suspected of some political heresies. What those heresies were, I was never informed. It may be that he had disapproved of some of the acts of the party in power; but I conjecture that the unfavorable reports in relation to the political orthodoxy of Mr. Betts, were put afloat by the friends of Judge Woodworth in the senate (for we find when Mr. Betts was afterwards nominated for a circuit judge, no political objections were urged



against him,) in order to pave the way for the re-nomination of that gentleman.

After the rejection of Mr. Betts, the governor probably having been assured that the senate or a majority of it, were in favor of Judge Woodworth, again nominated him. The propriety of confirming this nomination, was debated with considerable asperity in the senate. From his age and standing as a practicing lawyer, Mr. Woodworth, one would think ought to have been appointed chief justice, but so far from that, it was with great difficulty and by a small majority, that the senate concurred in his appointment as the youngest associate judge.

The legislature on the 13th of February, nearly unanimously appointed John Van Ness Yates, secretary of state, William L. Marcy, comptroller, Simeon De Witt, surveyor general, and Alexander M. Muir, commissary general. The selection of all these gentlemen had been before made in caucus. At no period before or since, has caucus law been more readily acquiesced in, and more promptly enforced than the present. Whatever were the bickerings and heat manifested before, or even at the caucus, after that potent assembly had decided, no man dared scarce whisper a complaint, no "dog moved his tongue." But in truth, the dominant party experienced very little difficulty in agreeing in caucus to support these gentlemen. There was no controversy except in relation to the office of surveyor general and comptroller.

Mr. De Witt, venerable for his learning and age, and beloved for his quiet deportment and unostentatious benevolence, was a Clintonian. Under the various revolutions of parties, he had then held the office of surveyor general about forty years, and such was the respect felt for his character, that even Judge Skinner's council had not ventured to disturb him. On this occasion, however, his re-appointment was opposed in caucus and an opposi-

tion candidate named. But a very considerable majority of the democratic members present, much to their credit, refused to sanction the claims of the opposing candidate. Mr. De Witt was therefore re-appointed, but his salary was reduced.

The most, and indeed the only serious contest in caucus, was in relation to the office of comptroller, Mr. William L. Marcy and General James Tallmadge being the rival candidates. The friends of Col. Young in and out of the legislature, who, by the bye, were still known as a distinct corps, headed by Mr. John Cramer of the senate, were in favor of Gen. Tallmadge, while Gov. Yates, and his friends in the legislature, were for Mr. Marcy. Mr. Van Buren was then at Washington, and as far as he could, avoided taking any part in the struggle for office among his political friends. On this occasion, it was well understood, he was desirous that Mr. Marcy should be appointed in preference to Mr. Tallmadge. The majority in caucus for Marcy over Tallmadge was large. We shall soon see Gen. Tallmadge leading off a portion of the democratic party in opposition to the majority of that party.

The late convention had disabled the governor from appointing to office without the consent of the senate, except in one single instance. It gave to the governor the sole right of appointing the adjutant general. The governor being commander-in-chief of the militia, there was, unquestionably, great propriety in permitting him to select from his own personal observation and preference, the officer who was to represent him in fixing and arranging the details in respect to that important branch of his official duty. Governor Yates selected for that office, William K. Fuller, Esq. of Madison county, a man of great suavity of manner, and perfectly amiable in his disposition and



character, though apparently quite destitute of martial airs and propensities.

The appointments which under the new constitution it became the duty of the governor to make, such as county judges, surrogates, &c., were all made from the dominant party. The selections were generally in pursuance of recommendations of county meetings, composed of delegates chosen by the respective towns in each county. Whether they were good or bad, the governor ought not, strictly speaking, to be held responsible, when it is considered that according to the law of party which then prevailed, and still to a certain extent now prevails, it is the duty of the executive to carry into effect the wishes of the majority of his political friends, when their voice is communicated to him. The senate was more rigid in the execution of the law of party than even the governor. I give the following case in proof of this allegation.

For the convenience of the banks, it had been usual to appoint a notary public for each bank, and the appointing power I believe invariably selected such person for that office, as was recommended by the board of directors, inasmuch as he was in some degree their agent, and the bank was responsible for his acts. Either the cashier or one of the clerks was, so far as I am aware, in all cases selected as a notary, irrespective of his political opinions.

Chester Bulkley, teller of the State Bank, had for a long time been the notary for that institution; but the amended constitution had vacated all offices, and it became necessary that he should be re-appointed. He was a man of irreproachable morals and unexceptionable character. The governor sent in his name to the senate, and they *refused to concur in his nomination*. Though less of a politician than a theologian, (for he was a deacon or elder in the Presbyterian church,) solely on the ground that he differed in his political opinions from the dominant party,

the senate rejected his nomination for the petty office of a notary public to the State Bank in the city of Albany.

In the course of the session the legislature passed a law fixing the number of the circuit judges at eight, being one for each senatorial district. The selection of these important officers was a matter of great difficulty as well as delicacy. The best and dearest interests of community required that these selections should be made judiciously, and with great care and caution. The importance and dignity of the station, rendered the appointment to the office desirable to the most distinguished lawyers in the respective districts. Soon after the act was passed, and in the latter part of the month of April, the governor nominated to the senate the following persons for circuit judges:

For the First circuit, Ogden Edwards,
" Second, Samuel R. Betts,
" Third, William A. Duer
" Fourth, Reuben H. Walworth,
" Fifth, Nathan Williams,
" Sixth, Samuel Nelson,
" Seventh, Enos T. Throop,
" Eighth, William B. Rochester.

These appointments were generally exceedingly judicious. I believe that in all cases the expectation of the friends of the respective successful candidates were fully realized. The act fixing the number and compensation of the circuit judges was passed on the 17th April. Immediately afterwards the governor made the nominations, and on the 21st April, the senate confirmed all of them.

The contest or collision in relation to these appointments, was not so warm as might have been anticipated. The law to which I have alluded, was a long time on its passage through the two houses, and in the mean time public opinion, (I mean the opinion of the democratic



party,) was in most cases so distinctly and satisfactorily ascertained that it is probable that the unsuccessful competitors for these offices perceived that it would be worse than useless to persist in pressing their claims. The sharpest contest was in the third district. Mr. Ambrose L. Jordan, of Hudson, in the county of Columbia, formerly of the county of Otsego, a lawyer of respectable standing, who has since acquired high eminence at the bar, and who had been uniformly a democrat, was the rival candidate of Mr. Duer. His appointment was pressed with great zeal by a considerable number of members of the legislature and other influential politicians. The friends of Mr. Jordan resisted the appointment of Mr. Duer, upon the ground that he was a leader of the corps of highminded federalists, and they insisted that none of these gentlemen ought to be appointed to office. A large number of the veterans in the ranks of the democracy took this ground. Self interest may have had some share in stimulating the promulgation of this doctrine; for it was not difficult for the most stupid to perceive that the greater the number of those who were excluded from any share in the state patronage should be, the larger would be the share of it which was to be divided among the remaining members of the dominant party. On the other hand the high minded men and their friends claimed that they had done much to bring about the political revolution which had resulted in the prostration of Gov. Clinton, and they insisted on receiving some share of the spoils of victory. Mr. Van Buren, although at Washington at this period of the political history of the state, was understood to be, in an especial manner, the patron of the high-minded party, and he was supposed to be and probably was favorable to the appointment of Mr. Duer.

Mr. Jordan, from the time of the decision of this question by the appointing power, has been the steady and uniform opponent of Mr. Van Buren and the party who supported him.

Richard Riker was appointed recorder of New-York. From being the personal, as well as political friend of De Witt Clinton from the year 1801, down to 1814, when by the vote of Mr. Townsend, a Clintonian member of the council of appointment, he was prevented from being appointed a judge of the supreme court; he had now become a most bitter and inveterate opponent.

There were few, if any other appointments made during this year, which require notice. The governor upon the meeting of the senate as a court for the correction of errors, by proclamation, convened them for executive business, but no important appointments were made. It is not impossible, although the supposition is rather uncharitable, that this call of the senate may have been made on the suggestion of some of the senators to accommodate themselves with double travelling fees.

The proceedings of the legislature during this session, were not of much importance. They passed no general laws deserving notice, except such as were absolutely required by the new constitution. The fact is, if we speak of this senate and assembly as the representatives of the great state of New-York, they possessed very little talent. I have already mentioned the most distinguished members of the assembly; some of them, it is true, Mr. Flagg for instance, have since distinguished themselves, and given evidence of considerable capacity as statesmen; but such of them as afterwards afforded those demonstrations, were then young and inexperienced.

The senate, speaking of it as it ought to be, a selection of thirty-two of the wisest and most patriotic men which the empire state could produce, was very inferior in cha-



racter. Of those who took much part in legislation, Mr. Burt, Mr. Redfield, Mr. Clark, Mr. Bowne, Mr. Bronson, Mr. Wheeler, Mr. Suydam, Mr. King, Mr. Edward P. Livingston, Mr. Hunter and Mr. Beardsley, may be mentioned as the most active. Mr. Burt has been several times before mentioned in the course of these memoirs. He was not an educated man, but he was shrewd and sagacious; more distinguished, however, as a managing partizan, than as a legislator. Of Mr. Suydam, I have formerly spoken. Mr. Cramer of Saratoga, possessed considerable talent, and great energy of mind; but he was so tenacious in the pursuit of his own individual projects, that it warped and injuriously affected all his political actions. He was the devoted friend of Col. Young, and was very much disappointed and chagrined that Mr. Y. was not made governor instead of Mr. Yates. All his political movements were regulated with a view to embarrass, degrade and disgrace the governor, in the hope that Mr Young would supplant him.

Of Mr. Bowne, I have before spoken. He was the steady friend of Van Buren, and was quite indifferent about the fate of either Gov. Yates or Mr. Young.

Mr. Bronson was a shrewd, sagacious merchant from Oswego. He had been a federalist, and still was pretty strongly imbued with what may be called federal principles; but he was too much of a correct business man, not to fall in with, and carry out in good faith, the usages and discipline of the party which had elected him—so far, at any rate, as the distribution of the state patronage was concerned.

Mr. Edward P. Livingston was a man of grave and dignified appearance. Every word, look, and action, evinced family pride, and high aristocratic feeling. He possessed a sound mind and judgment, but the action of his intellectual powers was dull and heavy.

Mr. Hunter, too, belonged, by education and association, to the North River aristocracy, and was possessed of great wealth. He is, however, courteous in his deportment, and possesses popular manners. His talents are respectable, and he has since proved himself to be a safe and highly useful legislator. He does not, like most rich men, claim that you shall admit the truth of his reasoning because he is rich, but because he is right.

Mr. Samuel Beardsley had never before belonged to a legislative body. He was the youngest member of the senate, but, although he was the youngest, he was by far the most efficient. Though it was not then generally acknowledged, he possessed intellectual powers of the highest order, which, since, as a member of congress, and at the bar of our superior courts, he has demonstrated to the entire satisfaction of the public. As a member of the senate, he was perfectly honest in his political opinions; but he was a partizan of the most rigid stamp; at the same time, it is proper to say, he was kind, courteous and friendly to all with whom he associated, of whatever sect or party.

Gen. Root, the president of the senate, has already occupied so large a space in these sketches, that I need not speak of him. It is, however, proper to remark, that he possessed a very powerful influence in the body over which he presided with distinguished ability, and that his influence in the legislature, and in the state, never was greater than it was at this time.

In the early part of this winter, Mr. Cantine, one of the editors of the Argus and printer to the state, died, and on the 31st of March, a law passed both houses, appointing Edwin Croswell and Isaac Q. Leake state printers. Mr. Leake was a man of some literary taste and of respectable attainments. He was fond of works of genius, and indeed, I have been told, that he himself wrote poetry with



considerable success. He was, however, in feeble health, and of an extreme nervous temperament; so much so, as quite unfitted him for the political arena of Albany. Mr. Croswell was then quite young. He had been brought up a printer at Catskill, and he came from that village to Albany to attend the funeral of his former neighbor and friend, Judge Cantine. While at Albany, Mr. B. F. Butler, Judge Duer, and other friends of Mr. Cantine, and of the newspaper of which he had been the senior editor, urged Mr. Croswell to remain a while with them to take care of the pecuniary interest of his deceased friend, so far as that interest was connected with the Albany Argus, and to assist in the editorial management of the paper. Mr. Croswell consented, and was soon persuaded to connect himself with Mr. Leake and was, as I have just stated, during the session of that winter, appointed one of the printers to the state. The situation was not sought for by Mr. Croswell. Indeed, I have reason to know that he accepted it with great hesitation and reluctance. It required him to hazard heavy pecuniary responsibilities; and the duration of time he might be permitted to hold the office was, like that of all other offices in the state of New-York, held at the pleasure of the appointing power, extremely uncertain. Another consideration which operated forcibly upon his mind was, that this change of his position would render it necessary for him to abandon the management of a mild and almost neutral village paper, and a quiet and attractive country life, and cast himself into the arena of party contests; and to assume the responsibility and labors of conducting the political metropolitan journal in the state. But having taken his determination, his friends were soon convinced that they had correctly estimated his talents, and their anticipations of his ability and usefulness as an editor, were more than realized. It soon appeared

that the Albany Argus, under his management, was a very different paper from that which it had been under his predecessors. Of his merits or demerits as a writer or newspaper editor, I do not mean to speak, further than to say, that he has made his paper a true organ of the party whose principles it proposed to represent. Cool, cautious and calculating, Mr. Croswell has never, in the course of the long warfare he has conducted, allowed himself to be thrown off his guard by friend or foe. I doubt much, whether the United States can furnish an editor of more and better tact in conducting a controversy, or in quieting divisions and animosities among his own political friends, than Edwin Croswell. As a politician, he may have placed too firm a reliance upon the power of party discipline, but this is an error common to his leading political friends, not even excepting from them Mr. Van Buren. They seem hardly yet to have realized, that by the abolition of the council of appointment, and the electing by the people of sheriffs, clerks and justices of the peace, the central power has lost the means of rewarding and punishing, without which, discipline cannot be maintained. Is it immoral for an editor to permit his paper to be the organ of a political party? Certainly not, if we in the exercise of common charity allow him to be honest in his belief, that the success of the party to which he devotes his paper, will better advance the prosperity of the country than that of the adverse party.

Early in the session, Mr. Morse, from New-York, offered, in the assembly, the following resolution, which was adopted:

"*Resolved*, (if the honorable the senate concur herein,) That the practice of addressing the governor by the title of his excellency; and the senate and assembly, the members and officers thereof, and several other officers of the government, by the title of honorable, be discontinu-



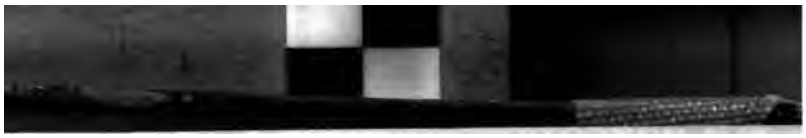
ed and abolished, as incompatible with the republican form and principles of the constitution."

The next day after the passage of this resolution, Gen. McClure, from Steuben county, moved to re-consider it on the ground that it would be uncourteous, and render the state authorities ridiculous in the eyes of citizens of the neighboring states. The motion for re-consideration was seconded and supported by Mr. Birdseye, from Onondaga, and Mr. Holdridge, from Columbia, and was carried by a large majority. For my part I can not but think that Mr. Morse was right and the majority wrong Those empty titles of "excellency" and "honorable" seem to me to be unsuitable to the genius of our civil and social institutions. What is a governor, a judge, or a member of the legislature but a mere agent, a servant of the people? Why should he be "hung o'er with titles and strung round with strings"? The great number of men among us who claim the title of "excellency" and "honorable" has already exposed us to the ridicule of foreigners. It is to be sure a mere matter of taste, but in my judgment it is bad taste. The names of Cæsar, Brutus, Scipio, Cicero, &c. require no addition of title to command our respect and admiration. Is our veneration for the memory of George Washington increased by adding to his name the title of *his excellency*? Would our respect for Brutus be increased if, when he was recalled to our recollection, he should be denominated *the honorable* Marcus Brutus, or should we admire Cicero more than we now do, if, in speaking of him, historians should not name him without the addition of *his excellency* Marcus Tullius Cicero?

A great question, during this winter, began to agitate the public mind, which, in one short year, broke into fragments that formidable party, which now ruled without the least possible check, the state of New-York.

Mr. Monroe commenced his second and last term of the presidency on the 4th March, 1821, and so early as the winter of 1822, the National Intelligencer complained that, although he had then more than three years to serve, the question as to who his successor should be, already occupied most intensely the minds of politicians at Washington, disturbed legislation and embarrassed the action of congress. It was not in the nature of man that this excitement should diminish. It did not; but on the contrary steadily increased.

There seemed not to be, at this time, any question of measures, about which the nation was divided. The policy of protecting American industry by a slight duty on foreign importations, was adopted in 1816, as well by the support and votes of Mr. Lowndes and Mr. Calhoun of South-Carolina, and Mr. Tucker and Mr. Newton of Virginia, Mr. Forsyth of Georgia, and other southern gentlemen, as by Mr. Clay and the members from New York, New-Jersey, and Pennsylvania. Mr. Webster, and a large portion of the representatives from New-England, were, in 1816, opposed to protecting duties. The south, in 1823, had not, as a body, taken ground against a tariff, either as unconstitutional, or, indeed, inexpedient. Of the several candidates spoken of for president, none were supported or opposed on account of any particular measures which they respectively advocated or condemned. The question about the selection of a candidate, was, in fact, personal, not political; but this circumstance, instead of rendering it less, caused it to be more exciting. The names of many gentlemen were mentioned as candidates, but the number gradually diminished, until the contest finally seemed to be confined to William H. Crawford, secretary of the treasury; John Quincy Adams, secretary of state; Henry Clay, speaker of the house of representatives; John C. Calhoun, secretary of war; and Gen. Andrew



Jackson, at that time, I believe, a private citizen. Of the peculiar and distinctive traits of character of these five men, I need not speak. They have been long well known to every intelligent reader. It is, however, proper to say, that each of them, during the war with Great Britain, were ardent and efficient supporters of Mr. Madison's administration, and zealous members of the national democratic party. Mr. Calhoun was the youngest of the five, but he had been long eminently distinguished in the service of the nation. His profound acquaintance with the principles of the government, and genius of the constitution; his wonderful powers of mind, and his energy of character, were well known. At the head of the war department in a time of profound peace, he impressed his genius on all its operations, and never before, nor since, has the influence of that branch of the executive government been so effective, or so much felt, as when Mr. Calhoun presided over it. His bold and enterprising mind could not fail to excite universal admiration, particularly among the young men in the nation. And I could not but remark, when the presidential question was first agitated, that scarcely could be found an enterprising young man for whom Calhoun was not his favorite candidate. It was known South-Carolina would be for Mr. Calhoun, and it was supposed that Pennsylvania and several of the south-western states preferred him to any other man. Mr. Clay's friends consisted of, I presume, a majority of the old republican members of congress in the different states of the union, and a very large majority of the people of the western states. Few men ever lived who possessed, by dint of personal address, greater power over the human mind than Henry Clay; and it was probably more owing to his fascinating social qualities, than to his great and unrivalled powers as an orator, that so many of his old congressional associates and acquaintance adhered to him.

When Gen. Jackson was first announced as a candidate, it was not known nor scarcely anticipated that he would receive the support of more than one state—Tennessee—but discerning and thinking men soon perceived that his military achievements had given him a hold on the affections of the people, which rendered him a formidable competitor; it was however long before any considerable number of politicians of standing and influence declared themselves in his favor. De Witt Clinton was the first eminent man at the north who announced a determination to support him.

A large majority of the republicans of New-England, and a considerable portion of the same party in the other northern and in the middle states, were for John Quincy Adams. In this state, to me, it is not improbable that a majority of the democratic party were at heart in favor of Mr. Adams. They considered that he had, from the time of the embargo, in the year 1807, down to the period about which I am now writing, uniformly supported the democratic party in the nation, in opposition to a majority of his old friends in New-England and even in his own state of Massachusetts. They were tired too of defending themselves against the charge of supporting southern men, to the prejudice of the northern section of the union, and they were anxious to be relieved from that reproach. Another consideration probably had an effect on the minds of some republicans who were bitterly hostile to Mr. Clinton. They considered Mr. Adams the natural rival, at the north, of Mr. Clinton, and they believed, if the former could be elected president, it would forever put at rest the claims of the latter. But the leading politicians of the dominant party reasoned differently. They believed that the most advantageous ally of New-York was Virginia, who, they supposed, would ultimately control the great,—the compact south. They thought, too,

that the election of either Adams, Clay, Calhoun or Jackson, and especially the election of Adams, would lead to an amalgamation of parties, an event they most cordially deprecated; and therefore it was, that Mr. Van Buren, Gen. Root, Mr. Beardsley, and other leading and influential men of the democratic party, supported Mr. Crawford, who, it was well known, would be sustained by Virginia, Georgia, and, it was believed, most of the southern democracy; and they judged, and I have no doubt correctly judged, that a majority of the leading and influential democrats in the union concurred in the policy of supporting Mr. Crawford.

Mr. Crawford was, I have no doubt, at this period, much the strongest candidate in the nation. As one very decisive evidence of this, all the other candidates and their respective friends, though opposed to each other, united in their opposition to Mr. Crawford. The first demonstration of this union was an opposition of all the friends of the four candidates in congress, against a congressional caucus to nominate a president—a measure which was advocated by the friends of Crawford.

This state of things alarmed the leaders of the democratic party at Albany, who now were known by the appellation of the Albany Regency. Adams, Jackson, Calhoun and Clay, as well as Crawford, had each many ardent friends in the democratic party. Mr. Clinton was so effectually prostrated that the fear of his success could no longer be used to, as it were, force a union of action among his old opponents. In this emergency, a legislative caucus was called at the capitol on the 22d April, at which Walter Bowne was appointed chairman, and James Mullett, Jun., of Chautauque, secretary. Root, Redfield, Dudley, P. R. Livingston, Gardner, Goodell, Birdseye and Wager were appointed a committee to draft resolutions. The meeting finally resolved that a congression-

al caucus for the nomination of a president ought to be held, and that such nomination ought to be supported. The proceedings of this meeting were forwarded to Washington, but failed of producing the desired effect. A majority of the democratic members of congress decided against a caucus. This decision, as I have before remarked, was produced by an union of the friends of Adams, Clay, Calhoun and Jackson, in opposition to the friends of Mr. Crawford.

The difference of opinion in respect to the selection of a successor to Mr. Monroe, was not confined to politicians, or to the leaders of the democratic party in the state of New-York. It existed among the people, and particularly among those who belonged to the democratic party. The conductors of republican newspapers, located in various parts of the state, differed in their views; and although most of them were extremely cautious about committing themselves, it was evident from their tone that differences existed among them.

In the city of New-York, a schism broke out which was not anticipated, but which produced, for a time, a total disruption of all political organization in that city.

Maj. M. M. Noah, a man of wit and talents, who for several years past had been editor of the National Advocate, which claimed to be the only true republican paper in the city, notwithstanding the existence of the New-York American, conducted by Mr. Charles King, had been, by Mr. Skinner's council, made sheriff of the city and county of New-York. He had also applied for some share in the state printing, or rather to have a law passed directing that a portion of the legal notices, which by law were required to be published in the state paper, should be published in his paper, and in this application he was unsuccessful. His ill-success led him to complain of the bad faith of some of the leading democrats in New-York, and



the dictatorial tone which he assumed, drew upon him the hostility of Messrs. Sharpe, Ulshoeffer, Romaine, Pierson, and other powerful men in the democratic ranks. The consequence was, that although he was regularly nominated to be supported at an election of sheriff in New-York, so many of his old democratic friends opposed him that he was defeated. The New-York American took decided ground against him. Early in the summer, that paper announced its preference for Mr. Adams as the next president. Mr. Noah, in the National Advocate, came out warmly in favor of Mr. Crawford, and denounced all persons as traitors to the democratic cause who opposed him.

In this state of things, a new paper was established in New-York, called the New-York Patriot, which was put under the management of Charles K. Gardner, who had during the war been aid to Gen. Brown, and who, until recently, has been one of the assistant post master generals. The object of this paper was not apparently to support any individual of the several presidential candidates, but to oppose the election of Mr. Crawford.

Mr. Henry Wheaton, formerly the editor of the National Advocate, and now on a foreign mission, was ostensibly the most efficient agent in the establishment of this periodical; but I have reason to believe that Mr. Calhoun's influence was exerted in getting up its publication.

But, notwithstanding all these efforts which were being made to produce, and which in fact were producing an impression among the people unfavorable to the election of Mr. Crawford; experienced men apprehended that if the election of the members of the next legislature was conducted in the usual way, an influence would be exerted on that body, which no man knew how to wield better than Mr. Van Buren, through the Albany Regency, which would result in the choice of presidential electors who would vote for Mr. Crawford; for it must not be forgot-

ter, that at that time the electors were chosen by the legislature.

With a view to guard against such a result, it was urged that the electors ought to be chosen by the people. "If the majority of the people are for Mr. Crawford," said his opponents, "we cheerfully acquiesce in their determination; if not, let their will be carried into execution." This plan was formed by a citizen of Albany, whose name has never been mentioned, but who communicated it to Mr. Wheaton, of New-York, and immediately the New-York Patriot took strong ground in favor of the measure. The Clintonian party had heretofore maintained a neutral attitude in respect to the presidential candidates, but they instantly took ground in favor of this measure and declared their readiness to support any candidate for a member of the legislature who would avow himself in favor of giving to the people the right of appointing the presidential electors. The proposition was so well and favorably received by the people, that no candidate, however regularly nominated by a democratic caucus, dared avow his opposition to the measure. Many of them were required publicly to pledge themselves, if elected, to vote for the proposed law, and I have now before me a country paper, (the Cherry Valley Gazette,) of November, 1823, which alleges that seventy-five of the members elect to the assembly, had, before the election, actually pledged their word to vote for an electoral law.

The Clintonian party were probably as much divided in opinion, as to the individual who ought to be the next president, as were the members of the democratic party; but the former class of politicians were ready, most evidently, to unite in any scheme which would prostrate the Albany Regency and the democratic party.

The democratic opponents of Mr. Crawford, of a congressional caucus, of Van Buren and the Albany Regency



assumed to themselves the name of the PEOPLE'S PARTY, and in counties where they believed they had sufficient strength to elect their candidates, they made nominations in opposition to the regular democratic candidates, under that cognomen. The people's party denominated that portion of the democratic party which supported Mr Crawford, the Regency party.

In the city of New-York, a people's ticket for assembly, of which Henry Wheaton stood at the head, was nominated and elected. In the first senate district, David Gardner, a member of the people's party, was chosen. In Dutchess county, Gen. Tallmadge was nominated by the same party, and elected by a large majority. In Montgomery, Henry Cunningham; in Schenectady, Isaac Riggs, and in Washington, John Crary and Ezra Smith, were self-nominated candidates, and all of them triumphantly sustained by the people. The majority in each of those counties, for the self-nominated candidates, was very great These developments indicated that, if the dominant party was not broken up, its dissolution was rapidly approaching.

In the senate, the following changes took place. In the first district, Mr. Gardner was elected, in place of Mr. King; in the second, William Nelson, in place of Mr. Hunter; in the third, Jacob Haight, in place of Judge Sutherland; in the fourth, Silas Wright, Jun., in lieu of Mr. Erwin; in the fifth, Parley Keyes, in place of Samuel Beardsley, who was appointed United States district attorney; in the sixth, Latham A. Burrows, in place of General Hathaway; in the seventh, Jedediah Morgan, in place of Mr. Bowker; and in the eighth, John Bowman, in place of Mr. Porter.

Messrs. Gardner, Nelson, Haight and Burrows, though not all of them elected as such, subsequently acted with the people's party.

Chancellor Kent's term of service expired in the month of July. On that occasion, the members of the bar of the city of New-York, held a meeting, at which the venerable Richard Harrison presided, and William Johnson, the reporter, was secretary. Resolutions, on the motion of Mr. Emmet, were adopted, highly complimentary to the official character and services of the Chancellor; and Messrs. Emmet, John Wells, Samuel Jones and Boyd, were appointed to draft an address to him, which was unanimously adopted. The address was so excellent, and what, on these occasions is too unusual, so strictly just and in conformity to truth, that I cannot deny myself the pleasure of transcribing it:

"To JAMES KENT, *Chancellor of the State of New-York.*

"SIR,—The gentlemen of the bar of this city, sensible of the inestimable benefits which your judicial labors have conferred on the community, and with hearts touched by the affectionate language in which you announced the close of your last term, cannot refrain at the moment when, by the constitution, your official duties are to cease, from expressing their deep regret at the event, and offering to you the tribute of their sincere respect and esteem. They might, perhaps, on this occasion, at least, be excused for doubting the wisdom of that constitutional provision that compels you, in the full enjoyment of your intellectual faculties, to relinquish a station you have filled with consummate ability, and with the greatest honor and advantage to the state.

"It is, now, five and twenty years since you accepted a seat on the bench of the supreme court, and where you, afterwards presided, more than ten years, before your appointment to that court in which for an almost equal period, your administration of equity has shed a new lustre on that bench of legal science, without which, we

think, no system of jurisprudence can be complete, or the obligations of justice effectually enforced.

"During this long course of services, so useful and honorable, and which will form the most brilliant period in our juridical history, you have by a series of decisions, in law and equity, distinguished alike for practical wisdom, profound learning, deep research, and accurate discrimination, contributed to establish the fabric of our jurisprudence on those sound principles that have been sanctioned by the experience of mankind, and expounded by the venerable and enlightened sages of the law. Though others may hereafter enlarge and adorn the edifice whose deep and solid foundations were laid by the wise and patriotic framers of our government, in that common law, which they claimed for the people as their noblest inheritance, your labors on this magnificent structure will forever remain eminently conspicuous, commanding the applause of the present generation and exciting the admiration and gratitude of future ages.

"The industry and zeal with which you have applied all the energies and resources of an active and vigorous mind to the discharge of the arduous and increasing duties of your station, have been felt and acknowledged by the bar, and by all who are interested in the faithful and impartial administration of justice. The simplicity and candor of your deportment have rendered the performance of our professional duties at all times easy and pleasant, whilst the promptness of your decisions has removed all cause of complaint among suitors, who have learned with surprise, that controversies the most intricate and perplexed, may be brought to a conclusion in a court of chancery, with as little delay, as an ordinary suit at common law. Not only have the merits of every case been carefully investigated and attentively considered, but no pains have been spared by you, in explaining the reasons of every decision:

And judicial opinions, the most luminous and learned, have instructed the experienced, as well as the young of that profession which you have adorned by your talents and virtues.

"Accept, sir, our most cordial wishes for your future prosperity and happiness. May you long live to enjoy your exalted and well earned reputation, and those soothing reflections which, to a pure and virtuous mind, afford the richest recompense for so many years of a life devoted to the upright and conscientious administration of justice, and to the best interest of your native state.

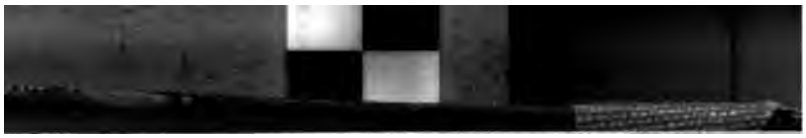
"*New-York, July 28th*, 1823."

What higher gratification can be afforded to a cultivated and elevated mind, than, on retiring from an highly responsible, laborious and dignified office, to receive, and be conscious of having merited, the plaudits of all the wise, the good, and virtuous in the community?

Alas! John Wells, one of the most eminent and distinguished members of the committee who addressed Chancellor Kent, and who, I presume, drew the address, by a mysterious Providence, after three days' illness, died on the 7th of September following. He, too, had established a reputation the most enviable, by his merits as a citizen and his skill, integrity and splendid talents as a lawyer, entirely independent of his character and standing as a politician.*

* I find in the American Monthly Magazine of March, 1836, an interesting sketch of the life of Mr. Wells, written by WILLIAM W. CAMPBELL, now of the city of New-York, author of the Annals of Tryon County, a book containing much valuable and useful information. "In the profession of the law," says Mr. Campbell in his memoir of the late John Wells, "it is well known that the eloquent advocate, who confines himself strictly to the discharge of his professional duties, leaves few traces of his talents when he is no more. His eloquence may be remembered by those who were his companions at the bar, and who may have listened to his impassioned efforts; but the remembrance often passes away with the memory of those companions, and thus perishes with the frail record upon which it is written.

"John Wells was born in Cherry Valley, in Otsego county, in the year 1770. The precise period of his birth is not known, in consequence of the entire de-



Similar meetings of the members of the bar, were held at Albany and Utica, for the purpose of manifesting their approbation and respect for the services, talents, and character of Chancellor Kent.

Brockholst Livingston, an associate judge of the supreme court of the United States, died this year. He possessed an intellect of the highest order, and was an able lawyer.

Several distinguished lawyers from this state, were announced as candidates for the office which had become

struction of his family while he was yet young. In 1741, the Reverend Samuel Dunlop, the maternal grand-father of Mr. Wells, with a small colony of Scotch and Irish emigrants, penetrated by the way of the Mohawk valley into the interior of this state, and made a settlement upon a branch of the head-waters of the Susquehanna, and gave it the name above mentioned.

"They were joined in 1744 by John Wells, the paternal grandfather. At that time Cherry Valley was the extreme verge of civilization. South and west extended the far unbroken wilderness in all its freshness and majesty. A few German families were scattered along the valley of the Mohawk; but the Mohawk tribe of Indians, that tribe who were emphatically the Romans of the North American Aborigines, and who gave their name to the beautiful river upon whose banks they dwelt, were still there—still guarding the graves, and roaming over the hunting-grounds of their ancestors. Mrs. Grant, in her memoirs of an American lady, has given an interesting account of a voyage up the Mohawk in early times. It was nearly thirty years after its ascent by the little party who settled Cherry Valley; but settlements were not advanced then with the rail-road rapidity of our day, and the valley of the Mohawk still possessed much of its original freshness and primitive beauty.

"It would be interesting to pause here, and consider the changes that the century, which has now almost elapsed, has produced. The Mohawks, with the confederated tribes, the Six Nations, have almost disappeared; and the then wilderness has budded and blossomed under the fostering care and industry of the millions of white men who have succeeded them.

"Among the first buildings erected in the little colony of Cherry Valley was a small church built of logs, and here the Rev. Mr. Dunlop, the maternal grandfather of Mr. Wells, first raised the standard of the cross amid the toils and privations incident to a new settlement. John Wells, senior, was appointed the first justice of the peace; and, as one of the justices of the quorum, was associated and intimate with the celebrated Sir William Johnson.

"His eldest son, Robert Wells, married a daughter of Mr. Dunlop; and of this marriage was John Wells, the subject of this sketch, born in 1770, as beforementioned. At the time of his birth the elements of discord were in motion. Opposition to the mother country was then gaining force with all classes of society, and the decided and uncompromising tone in which the rights of the country were maintained, was preparing the way for a physical defence of these rights. The war of the revolution found the little settlement of Cherry Valley still a frontier. In the summer of 1778, occurred that dreadful massacre in the northern

vacant by Judge Livingston's death; among whom, were Chief Justice Spencer and Mr. Henry Wheaton. The president finally appointed Smith Thompson, late chief justice of this state, then secretary of the navy.

Chief Justice Spencer, Judge Van Ness and Judge Platt, after being *constitutionized* out of office, resumed the practice of law; but Judge Spencer did not long continue at the bar. He probably found it unpleasant to meet on terms of equality, and contend with lawyers for whom he

part of Pensylvania, which has been immortalized in Gertrude of Wyoming. The inhabitants of Cherry Valley fled on learning the fate of their brethren of Wyoming, but returned to their homes in the fall of the same year, under an impression that there was no longer any danger by reason of the advance of the season. They returned only to share the fate of their friends of Wyoming. On the eleventh of November in the same year, a party of Indians and tories, led on by Walter Butler and the far-famed chief Joseph Brant, made an incursion into the settlement, and destroyed it, killing many of the inhabitants. John Wells, Jun., had been left with an aunt in Schenectady for the purpose of attending school. This favor had been solicited by the aunt when the other members of the family were about to return to Cherry Valley, and thus he escaped that melancholy fate which awaited the return of the others to their home. His father and mother, uncle and aunt, four brothers and sisters were killed. His grandmother, the wife of the Rev. Mr. Dunlop, also fell a victim; and these great misfortunes brought down in a short time afterwards the grey hairs of the reverend clergyman himself with sorrow to the grave.

"One common grave received all of his family, who were killed on the 11th of November, and the eloquent advocate, in after-life, paid several visits to the valley of his birth, and shed a tear over the spot where reposed the ashes of his kindred."

After briefly recounting the difficulties encountered by Mr. Wells in acquiring, without the aid of either wealth or relatives, a good classical education, and after giving an account of his sharp and successful competition as a lawyer and his elevation to the highest rank in his profession, Mr. Campbell says, "Mr. Wells died at Brooklyn Heights in September, 1823, of what was stated at the time to be high billious fever, and which was, in fact, the yellow fever. He fell a victim to his benevolence and humanity. His house was on Brooklyn Heights; and nearly beneath it, and close to the water, were some small residences, inhabited by very poor people. He called at one of these houses, learning that some of the inhabitants were sick, for the purpose of seeing what he could do for their relief. Having made some provision for their immediate necessities, the call was again repeated. The yellow fever broke out at this spot, and Mr. Wells was one of the first victims. His death cast a gloom over the city. All felt that a great man had fallen. Meetings of members of the bar were called in this city and in Albany. In this city, resolutions were passed, which were highly creditable to his memory; and they were supported by Josiah Ogden Hoffman in a speech of great power and feeling. All considered him, in the language of Mr. Cowen, to have been 'the pride of the New-York bar.' All mourned over the bereavement which they had sustained."



had so long acted as a judge; and having accumulated a fortune which rendered his pecuniary circumstances easy, he retired from a competition, which, to him, must have been at times irritating as well as painful.

Judge Platt continued to practice with high reputation, as an advocate, for several years afterwards; but, shortly before his death, he, likewise, retired to a country seat in Clinton county.

Judge Van Ness, also, opened a law office in the city of New-York, but his health soon became impaired. He lingered awhile, oppressed with a chronic disease of the dyspeptic kind, and finally, in the hope of recovering his health, travelled to the south, and died in one of the southern states. He was invincibly attached to political pursuits, and fond of the bustle of public life; and, possessing as he did, a mind extremely sensitive, it is not improbable that the loss of his official station, and the utter prostration of his political prospects, may have induced the disease of which he died. He was, in person, address and intellectual endowments, formed for one of the most distinguished men of the age. At the head of an executive department at Washington, he would have shone with a lustre unrivalled.

CHAPTER XXX.

FROM JANUARY 1, 1824, TO JANUARY 1, 1825.

THE approaching presidential election, and the unusual number of presidential candidates, produced so many parties in this state, in addition to the two pre-existing parties, and the great political revolution which occurred during the year 1824, would, if an attempt were made minutely to detail the action, and causes of action, of distinguished individuals, and the fractions of parties, swell this work to a size not warranted by the limits I have prescribed to it. I must therefore content myself with simply giving my reader an account of the acts of the leading politicians who took part in the controversy, which, during this year, raged with unequalled violence; and I shall confine myself to a very few remarks on the probable motives by which the actors were governed.

The legislature convened on the 6th of January. In pursuance of a long established custom, the republican members of the assembly met in caucus on the evening of the 5th, for the purpose of nominating a speaker. Those members who had been elected in opposition to the regular republican ticket, in several of the counties, such, for instance, as those from the counties of New-York and Dutchess, met and deliberated with the regularly nominated and elected democratic members. There were, in fact, very few Clintonian or federal members chosen. Mr. Crary from Washington, and Mr. Cunningham from Montgomery, were Clintonians, but they were self-nominated candidates, and disclaimed being members of any political party.

Samuel J. Wilkin, son of Gen. James W. Wilkin, of Orange county, with whose name the reader is familiar, a young man of fine talents and great merit, was a Clintonian; but he had been elected from the county of Orange, a very large majority of whose electors were decidedly hostile to Mr. Clinton. He undoubtedly owed his election to the hostility of a majority of that county to Mr. Crawford as a candidate for the presidency, and to his own superior personal merits. The people's party, in caucus, supported Gen. Tallmadge for speaker, but the attempt to nominate him was defeated by a large majority; and Richard Goodell, of Jefferson county, was nominated, and the next day elected without serious opposition.

Mr. Goodell had been a captain in the United States army, during the last war, and served as such with considerable reputation. He was a modest, frank, and honorable man, but not familiar with the business of legislation; heavy and slow in mental action, and by no means well fitted to preside over a deliberative body, in such stormy times as occurred during the forty-ninth session of the New-York legislature.

The governor's message was delivered on the day the two houses organized. As an official paper it was greatly superior, both in structure and style, to his first message.

The governor again urged upon the legislature the necessity of a revision of the statutes, and he took strong ground in favor of encouraging domestic manufactories by an increase of duties on foreign importations. I mention this circumstance for the purpose of remarking that at that time, and for several years afterwards it was a part of the democratic creed, in this and other northern states, that home industry should be protected by imposing heavy duties on commodities manufactured abroad. On the subject of choosing the presidential electors by the people, the governor stated that "The choice of elec-

tors of president and vice-president, has excited much animadversion throughout the nation; and it is to be regretted, that a uniform rule on this subject is not prescribed by the constitution of the United States. It is manifest, that the manner of electing may have an essential effect on the power and influence of a state, with regard to the presidential question, by either dividing the votes, or enabling the state with greater certainty to give an united vote; and until a uniform rule is ingrafted in the constitution of the United States, the manner of electing will continue to fluctuate, and no alteration made by any one state, will produce a material change in the various modes now existing throughout the union. In some states the people will vote by a general ticket; in some by districts, and in others by the legislature; and no practical remedy probably does exist, competent to remove the evil effectually, except by an amendment to the national constitution.

"Although this state has heretofore sanctioned an attempt to accomplish that important object, which proved unsuccessful, the measure on that account should not be abandoned; and as the subject has recently been brought before congress, it is to be expected that another opportunity will shortly be presented for the legislature of this state to sanction an amendment, not only establishing a uniform rule in the choice of electors, but also securing the desirable object of directing such choice to be made by the people. A more propitious period of evincing its propriety and consequently affording a more favorable prospect of obtaining a constitutional number of the states to assent to it, I am inclined to think has not presented itself since the organization of the government. Persuaded that you as the representatives of a free people, will only be influenced by reason and true patriotism, it is submitted to your wisdom and discretion, whether, under existing cir-

cumstances, the present manner of choosing electors ought, at this time, to be changed."

This was palpably an attempt to evade a direct expression of an opinion by the executive against giving to the people the power of choosing the electors at the then next presidential election. No man was so grossly stupid as not to perceive that an amendment of the United States constitution, if it ever could be made, (of which there was not then, nor is there now, the most remote probability,) could not at any rate be effected in time to be operative at the next election; and the notion that the vote of the state would necessarily or even probably be divided if the choice of electors were yielded to the people, was so absurd that in the view of every sensible man it was ridiculous. The message was considered by the public, what in fact it must have been intended to be, an executive recommendation to the legislature to retain, in their own hands, the power of appointing the electors.

Immediately after the house was organized, and before a message had been sent to the governor that they were organized, Mr. Wheaton, from New-York, gave notice that he would, on some future day, bring in a bill authorizing the people to choose the electers for president and vice-president—and shortly after the message was read, Mr. Flagg offered a resolution that the subject of changing the mode of choosing the electors be referred to a committee of nine members.

A long and exciting debate ensued. The resolution was supported by Messrs. Flagg, Ruger from Oneida, Hosmer from Genesee, Edwards from Onondaga, and Whiting from Ontario; and was opposed by Messrs. Wheaton, Barstow from Tioga, formerly a senator, Tallmadge and Crary.

The opponents of the resolution charged the mover with an intention to embarrass the proceedings, to delay

action on the subject, and finally to evade or defeat the measure. This was denied by Mr. Flagg; and in fact all the supporters of his resolution avowed themselves in favor of passing an electoral law during the session. It may be well to mention here, that the talents of the house decidedly preponderated against the Crawford party; for although Mr. Mullet, Mr. Hosmer and Mr. Whiting supported Mr. Flagg's resolution on this occasion, they were, I believe, all of them in favor of Mr. Clay for president; at any rate they were opposed to Mr. Crawford. Mr. Ruger, from Oneida, was a lawyer and a zealous Crawford man, but he was a very indifferent debater. Mr. Flagg, who had been brought up a practical printer, and then conducted a democratic paper at Plattsburgh, therefore stood almost alone as a floor member on that side of the question; he however in the course of the session discovered a shrewdness, tact and address in legislative manœuvering, and developed talents which prodigiously annoyed his opponents, gratified his friends and commanded the respect and admiration of all parties. Mr. Waterman, a respectable lawyer from Broome county, was said to be for Crawford; but he was a new member and not inclined to enter warmly into a contest which raged with such fury. Indeed he was so cool that some suspected him of being at heart an Adams man.

On the other side were, besides many others, Tallmadge, a man of great colloquial power; Wheaton, one of the ablest lawyers of his time; Doct. Barstow, an experienced legislator, and a man of consummate shrewdness and sagacity; and Wilkin, a young man of splendid talents.

The resolution proposed by Mr. Flagg was finally adopted, seventy-six to forty-seven; and the committee appointed in pursuance of it, consisted of Messrs. *Flagg*, Wheaton, Mullett, *Van Alstyne*, *Bellinger*, Finch, *Brown*, *Bowker* and *Ells*. The names of the members of the



committee who were supposed to be for Crawford, are *italicised*—from which it will appear that six of the nine belonged to that party.

A few days previous to the 13th of January, notice was given of a meeting of the democratic members of both houses of the legislature, for the purpose of considering the propriety of recommending a congressional caucus for the nomination of president, &c. They accordingly met on the thirteenth, and chose Gen. Root for chairman, but adjourned without adopting any resolution. It is probable that the friends of Mr. Crawford by this time found that if they attempted any decisive step they would be borne down with numbers.

The first meeting of the committee of nine was held with open doors, and was attended by many citizens as well as members of the legislature. The following account of the proceedings of the committee is copied from the Albany Daily Advertiser, a paper which claimed to be the organ of the people's party. That paper was at this time edited by Israel W. Clark, formerly of the Albany Register. It is presumed to be substantially correct:

"On their assembling, the chairman (Mr. Flagg) stated the matter referred to them, and after some desultory conversation, in which it distinctly appeared that those who had been so eager in the house to raise this committee, had no definite proposition whatsoever to submit to it on the subject of giving to the people the choice of electors, Mr. Wheaton stated that as no gentlemen seemed disposed or prepared to move in the business, and that as they would be most likely to arrive at a speedy termination of their labors by an orderly course of proceeding, he would offer the following motion:

"*Resolved*, as the sense of this committee, that the right of choosing the electors of president and vice-presi-

dent of the United States, ought to be vested in the *people* of this state, by a law to be passed at the present session of the legislature." The question was taken on this resolution, and carried in the affirmative, Mr. Van Alstyne, (of Rensselaer,) only voting in the negative.

Mr. Wheaton then offered the following resolution:

"*Resolved*, That such election ought to be by general ticket.

"Mr. Flagg proposed as an amendment, to add the following words: 'and that a majority of all the votes shall be necessary to make a choice.'

"Mr. Wheaton stated that he should not strenuously object to any report the majority of the committee might think fit to make, in order that the bill might be again brought before the house. But he would only remark, that the proposed amendment, (if it should prevail in the house,) would probably defeat the bill, as it had been the constant usage of the state to choose by *plurality*. There would not be time in the thirty-four days preceding the first Wednesday of December to order a new election, in case the first did not result in a choice by a majority of all the votes, so that the vote of the state would be thus entirely lost.

"Mr. Finch, (of Orange,) also made some pertinent remarks to the same effect and generally on the subject, when Mr. Mullett, (of Chautauque,) moved to *adjourn until Wednesday evening!*"

The motion to adjourn was carried by a majority of one.

After several meetings and much discussion the committee reported a bill giving the power of choosing electors to the people, but requiring that the persons elected should have a majority of all the votes. As the people of the state were avowedly divided into no less than four parties, it was most evident that no choice would be made



under such a bill, inasmuch as the United States constitution requires that the electors should be chosen within thirty-four days of the time when they are to give their votes; and so much time would be occupied by the returning and canvassing of the votes on the first election, it was most evident that a subsequent election could not be ordered to be held and the votes canvassed before the presidential election would have been made. Mr. Flagg's plan, therefore, was, that in case no choice should be made by the people, the election should be made by the legislature. It is easy to perceive that such a bill would really effect nothing, because, eventually, the choice would be made, in almost all cases, and certainly at the then next election by the legislature.

The bill reported by the committee was for a long time debated in the house, but a majority of the assembly would not agree that the choice should, in any event, be made by the two houses. Mr. Finch, in behalf of the people's party, offered an amendment, declaring that the persons having the greatest number of votes should be declared duly elected, but it was rejected by sixty-four to fifty-two. This left the bill in a form which provided for the choice of electors by the people, if any set of candidates obtained a majority of all the votes cast, but in case no person had such majority, then no election was effected, and no provision was made for a second election in any form. In this shape the bill passed on the 4th of February, by nearly an unanimous vote, only five members voting against it, (*see Assembly Journal, p.* 298.) The people's party declared themselves dissatisfied with the bill, but preferred it to the existing law. There can be no doubt but that Mr. Flagg and the Crawford party in the assembly were opposed to passing any law on the subject. There was, beyond question, a majority in the assembly opposed to Mr. Crawford. Why then, it may be asked,

did they not adopt the amendment proposed by Mr. Whiting in committee of the whole and again offered in the house by Mr. Finch? Some of the Adams and Clay men were apprehensive that if the election of electors were to be made by general ticket, and by a plurality of votes, Mr. Clinton would be brought out as a presidential candidate, and in that event they feared that the democratic party was so much divided on the presidential question, that electors favorable to him would obtain a plurality of the votes of the people.

In the peculiar situation of the political parties, which composed this assembly, it was natural that a majority of them should have been opposed to the passage of an electoral law. Why should they, at that particular juncture, change the mode of appointing electors, which had been in use in pursuance of an act of the legislature ever since the adoption of the federal constitution? Those who called for the passage of an electoral law, demanded of the party in power, by their own act, to give to the adverse party an opportunity, and it might be to give their opponents the means of defeating the majority of the legislature in the choice of their favorite candidate for the presidency. Was such a request reasonable?

As a mere question of party policy, (and I speak only of that,) the error of the majority in the legislature consisted in professing to be favorable to the passage of the law in question, when they in truth were not. Far better would it have been for them to have avowed openly and boldly their opposition to any change at that time, in the mode of choosing electors, and to have stated frankly their reasons for such opposition, or at once in good faith to have supported the change called for by the people. Nothing is so fatal to a representative of the people, as a jealousy among his constituents, that he is acting with bad faith, or from motives which he conceals. That



honesty is the best policy, is a maxim universal in its application. The next November election, proved it especially applicable to the case now under consideration.

Within a few days after the passage of the electoral bill through the assembly, Mr. Wheaton obtained leave of absence for the remainder of the session. He was at that time reporter of the supreme court of the United States, and his attendance at Washington was highly necessary; and as the question in which he felt the deepest interest, and indeed the question which induced him to be a candidate for the legislature, was then disposed of by the body of which he was a member, he felt little reluctance at leaving Albany.

At Washington, the presidential question continued to excite more and more attention. One great point, about which the members of congress were divided, was whether an attempt should be made to nominate a president by a congressional caucus. The friends of Mr. Crawford, at the head of whom Mr. Van Buren may now be regarded as standing, were in favor of a caucus. In order to ascertain the views of the members on that question, a committee was appointed, or rather self-created, of one member from each state, whose duty it was to ascertain from each individual his opinion on the subject. By the authority of this committee, the National Intelligencer stated, that of two hundred and sixty-one members, one hundred and eighty-one were opposed to a caucus, and it was added that many others would not attend a caucus, should it be called.

Notwithstanding this communication, a notice was issued on the 6th of February, signed by Mr. Dickinson, senator from New-Jersey, and Mr. Forsyth from Georgia, requesting a meeting on the 14th of February, of the democratic members of congress, for the purpose of nominating a president.

In pursuance of this call, there assembled on the day designated, from

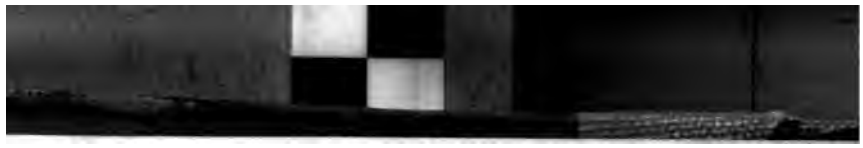
Maine,	2	members,
Rhode-Island,	1	"
Connecticut,	3	"
New-York,	16	"
New-Jersey,	1	"
Pennsylvania,	3	"
Maryland,	3	"
Virginia,	15	"
North-Carolina,	9	"
South-Carolina,	2	"
Georgia,	8	"
Ohio,	1	"
Indiana,	1	"
Illinois,	1	"
	66	

Mr. Ruggles, senator from Ohio, was appointed chairman of this meagre assemblage, and Mr. Collins from New-York was chosen secretary. They then proceeded to ballot for a presidential candidate, and the result was, that Mr. Crawford had sixty-two votes, Mr. Adams two, Gen. Jackson one, and Mr. Nathaniel Macon one.

The result of this caucus showed that neither the friends of Mr. Adams, Jackson or Clay, attended, and it also demonstrated that at Washington, as at Albany, the friends of the last named gentlemen were united on one question, which was, opposition to Mr. Crawford at any rate.

When there are a considerable number of candidates for an important office, it is dangerous to be considered as the strongest, for nothing is more natural than a combination of the weaker against the stronger.

The issue of this attempt to nominate Mr. Crawford, lessened the number of his supporters in New-York, and



probably in other states in the Union. Until this demonstration, he was supposed to be powerfully sustained at Washington. This meeting exhibited his weakness.

I ought, in the order of time, to have stated that a democratic convention of Pennsylvania was held at Harrisburgh, in the early part of this winter, at which General Jackson was nominated for president; and that, previous to this, Mr. Calhoun, who had many friends in that state, withdrew from the competition at the presidential canvass. He avowed himself to be favorable to the election of Gen. Jackson.

When the bill changing the mode of choosing presidential electors was announced in the New-York senate, it was referred to a select committee, of which Mr. Dudley was chairman. After it had been some days in possession of the committee, Mr. Ogden offered a resolution requiring the committee to report. This resolution called out a discussion of some warmth, and exhibited the feelings of the members on the great question which had produced so much excitement in the assembly. Ogden, Burt, Burrows, and Cramer, supported the resolution, and Suydam, Wheeler, Wright, and others, opposed it. The senators chosen in 1822, were elected without reference to this question, and of course they felt at liberty to act on it according to the dictates of their own judgments; but it was not so with most of the members of the assembly, nor with some of the senators who were chosen in November, 1823. In the senate there was a preponderance of talent against the bill.

Mr. Ogden's resolution was finally postponed indefinitely, by a vote of twenty-one to nine.

Shortly afterwards the select committee made a long and well written report, but concluded in the following words:

"The committee are therefore of opinion, for the reasons set forth in this report, that it would not be expedient to pass the bill from the assembly, or any other bill changing the present mode of appointing electors of president and vice-president of the United States; or, at least until the efforts which are now seriously making in congress to establish a uniform rule of appointment, by an amendment of the constitution of the United States, by which the people can elect by districts, have either terminated in the adoption or rejection of such amendment by that body."

This report was considered, by the senate, on the tenth of March.

Mr. Cramer moved to strike out the concluding part of the report above quoted, and to insert in lieu thereof the words following:

"*Resolved*, That it is expedient to pass a law, *at the present session of the legislature*, giving to the people of this state the choice of electors of president and vice-president by general ticket."

In discussing this proposition various projects were suggested, among which, several senators urged the propriety of choosing the electors by single districts.

Mr. Cramer delivered a very able argument in favor of his amendment, and much discussion ensued. It was proposed to amend the resolution by adding the words, "and by a plurality of votes," which was rejected by a vote of seventeen to fourteen, Mr. Wright voting against this amendment. When the question was taken on Mr. Cramer's original resolution, it passed in the affirmative, ayes sixteen, noes fifteen. Mr. Wright voting in the affirmative. Mr. Wright's plan is embraced in the following amendment to the conclusion of the report of the select committee, proposed by him in the course of the proceedings of the senate on that subject:



"Strike out all after the word 'Assembly,' in the second line of the last clause of the printed report, and insert the following:—But they recommend the passage of a law, providing for a choice by the people, by general ticket, of a number of electors of president and vice-president of the United States, equal to the number of representatives in the congress of the United States, to which this state shall be entitled at the time any election of electors shall be held, locating the electors so to be chosen in the several congressional districts, in such a manner, that each congressional district shall have residing within it, a number of the said electors equal to the number of members of congress to which such district shall be entitled at the time of the election; requiring a majority of all the votes given in the state, for such electors, to constitute a choice; and directing a meeting of the legislature, at such time as shall be requisite, in any year when electors of president and vice-president are to be chosen, to appoint two electors, in the manner now prescribed by law, corresponding to the two senators from this state in the congress of the United States, and to fill any vacancies that may exist in any of the congressional districts, from a failure to elect by a majority of votes, as aforesaid; and further recommend a repeal of the present existing law, providing for the appointment of the said electors, so far as the same may be inconsistent with a law containing the aforesaid provisions."

This project found little favor in the senate, only three senators, Bronson, Mallory, and Stranahan, voting with Mr. Wright.

Mr. Wright made a very ingenious speech on the occasion. He was then quite young, I believe the youngest member in the senate and little known; but he soon developed those reasoning powers and that wonderful acuteness of mind for which he has since been so justly

celebrated. It is however to be regretted that on this question he should have manifested so much disingenuousness. He had declared in his speech, and by his recorded vote on Mr. Cramer's amendment, that he was in favor of conferring the power of choosing electors on the people by general ticket, and yet he gravely proposed the preposterous and ridiculous scheme contained in the section of his amendment that I have quoted. It was utterly unworthy of a senator of the state of New-York, and especially of SILAS WRIGHT, JUNIOR. The fact was, Mr. Wright, previous to his election, had given the people of the fourth district to understand that he would, if elected, support a bill giving to the people the right to choose presidential electors. All this manœuvring was for the purpose of exhibiting an appearance of redeeming that pledge. We shall shortly find him voting for an indefinite postponement of the bill; for on the tenth day of March, Mr. E. P. Livingston, after a speech affirming that the people had not called for an electoral law, that the clamor in favor of such a law, emanated chiefly from bar-room and noisy politicians, moved a postponement of the bill until the first Monday in November. The motion was seconded by Mr. Suydam. It succeeded in the following manner—*Ayes*, Messrs. Bowman, Bowne, Bronson, Dudley, Earll, Greenley, Keyes, Lefferts, Livingston, Mallory, McCall, Redfield, Stranahan, Suydam, Ward, Wooster, Wright—seventeen. *Noes*, Messrs. Burrows, Burt, Clark, Cramer, Gardiner, Green, Haight, Lynde, McIntyre, Morgan, Nelson, Ogden, Thorn, Wheeler—fourteen."

It was undoubtedly with great reluctance that the members of the senate could be induced to vote for a virtual rejection of this bill, as they could not but be aware that the popular feeling was in favor of it. This is evident from the fact, that but a bare majority could be induced to



record their names against the measure. Mr. Van Buren, and those acting with him, had not a man to spare. Great popular odium was attempted to be cast upon those who supported Mr. Livingston's motion. Their names, in many of the opposition newspapers, were exhibited conspicuously in black letter type, and posted up in bar-rooms and other public places.

In the mean time great efforts were making, and had been made to render Gov. Yates unpopular. He had been advised and urged by some of his best friends, among whom was the secretary of state, Mr. John Van Ness Yates, to recommend the passage of an electoral law, or at any rate, not to commit himself in his message against that measure. He refused to listen to their suggestions, and it was reported that he was finally prevailed on by Judge Skinner to shape his message in the form in which it was ultimately communicated to the legislature. I have good reasons for believing that some persons, who, I know not, had intimated to him that the friends of Mr. Crawford would support him, (Gov. Yates,) for vice-president. From the moment the message was published, he had been attacked with the utmost severity and bitterness, in the legislature and by that part of the press which was opposed to Mr. Crawford. In the vast number of appointments which it had been his duty to make, he had, of necessity, disappointed a great many expectants. Many of these mortified aspirants seized the occasion of manifesting their resentment, by joining in the personal abuse of the governor. The Clintonian papers were extremely severe in their denunciations of him. Not satisfied with animadverting on his political principles and conduct, they assailed him with personal ridicule, and with a perseverance and severity never before equalled. The simplicity of the character of Governor Yates, which ought to have shielded him from these attacks, and would have done so, from a

magnanimous opponent, seemed rather to encourage and multiply them. A very sarcastic writer, over the signature of Buffalo, in the Albany Daily Advertiser, used nearly every morning to serve up to the citizens of Albany, and members of the legislature, one or two paragraphs attacking the governor with the most biting satire. Thus the town was, every morning, thrown almost into convulsions of laughter, at the expense of the governor.

Governor Clinton was said to have been the author of the pieces signed Buffalo. I have no evidence that such was the fact, but it is strange if any other person was the author, why even his vanity had not induced him to have claimed the paternity of these humorous productions.* [*See Note H.*]

All these attacks were aided by an under current, which prevailed among the governor's professed political friends. John Cramer is a man of talents, and one of the most cunning men in the state of New-York. He was disappointed and chagrined because his friend Col. Young was not nominated for governor in 1822. There cannot be a doubt, that from the moment the government was organized under Mr. Yates, he was determined to leave no stone unturned to oust Gov. Yates, and bring in Col. Young. Some were so uncharitable as to charge Mr. Cramer's support of the electoral law to the accidental circumstance that the governor in his message had taken the other side of the question. Mr. Young too, claimed to be in favor of an electoral law, and such an electoral law as was called for by the people. The people's party at first looked to Mr. Young as their candidate for governor, and had he consented to be their candidate, he would no doubt have been triumphantly elected. Mr Cramer, how-

* Since the above was written, I have been assured by a gentleman of veracity, that Governor Clinton was the author of Buffalo. The manuscript sent to the printer, was in the handwriting of his son, Charles A. Clinton, Esquire.



ever, thought he could do better by procuring for his friend a legislative caucus nomination; and with that view he directed his political operations during the winter of 1824.*

The rejection of the electoral law became every day more and more unpopular; and Gov. Yates was charged with being at the foundation of that measure. The friends of Mr. Young, therefore, affirmed, and no doubt with truth, that if Yates was re-nominated he would assuredly be beaten. Of course they inferred it would, on the part of the democratic party be an act of political suicide to re-nominate him. It is highly probable that this last consideration was the controlling cause of the nomination of Mr. Young at the legislative caucus, held on the 3d of April.

At this meeting, there was considerable discussion, and very free comparisons were made between the two candidates, Gov. Yates and Col. Young, unfavorable to the former. Mr. Wright and Mr. Flagg were for again nominating Mr. Yates. They insisted that if he had erred, in the course he had taken in relation to the electoral law, it was an error committed in accordance with the policy of the party to which he belonged and in pursuance of their advice and request. If he was to be sacrificed for that, Mr. Flagg declared his readiness to suffer with him. Whether Gov. Yates had done right or wrong, I consider such sentiments and the avowal of them on this occasion as creditable to the feelings of Mr. Flagg.

Mr. Young however was nominated by a majority of, I believe, from fifteen to twenty.† This was the last legis-

* See note A. at the end of the volume.

† I have before me evidence of the fact that the people's party, in the winter of 1824, had determined to support Col. Young as their candidate for governor. Several caucusses were held by the members of the legislature belonging to that party. In these caucusses, John Cramer, Henry Wheaton, and Joseph D. Monell of Columbia county, were the most active. It was finally agreed that a state convention should be called. for the purpose of nominating a governor. The person who should draw the address, to be signed by the members of the legislature mak-

lative caucus which has been held, and which, as I conjecture, ever will be held, for the nomination of a governor. Gov. Yates felt this abandonment by his political friends with a sensibility the most painful. Contrary to the moderation and mildness of his nature, he had yielded many things and done many acts to gratify the propensities of the party with whom he acted, and he could not but regret this demonstration of the feelings of the party towards himself, as an instance of cold, calculating policy, and of extreme ingratitude. But what political party has ever been governed by considerations of gratitude for services rendered them as a party?

Although Mr. Young was understood to have been in favor of the electoral law, and although his friend, Mr. Cramer, had distinguished himself in the senate in support of it, the people's party in the legislature were unwilling to support him. It is probable they believed that if elected governor, he would pursue the course and accord with the policy which should be marked out for him by the Albany Regency. That Regency, by the bye, at this time, consisted principally of Benjamin Knower, Treasurer; Samuel A. Talcott; Wm. L. Marcy, Comptroller; Roger Skinner, United States District Judge; Edwin Croswell, State Printer, and Benjamin F. Butler.

The people's party thereupon held a legislative caucus, of which Isaac Ogden was chairman and David Gardner

ing the call, was appointed; and it was well understood that Mr. Young was to be put in nomination for governor. They also agreed to establish a newspaper in Albany, in opposition to the regency; and Allen Jordan, now mayor of the city of Hudson, was to have been the editor. In case the party should be successful he was to be made state printer. So ardent were the members of this association, that some part of the printing apparatus for the new paper was actually purchased, when the nomination of Col. Young, by the regency party, disconcerted their schemes and, for a time, paralyzed their exertions.

Mr. Cramer, with a view, I imagine, of preventing complaint and public clamor, re-imbursed the purchaser of the materials for printing, a considerable part of the purchase money which he had advanced.



secretary, on the 7th of April. I am unable to state their number, but it could not have been large. They issued an address, in which they complained of the conduct of the majority in refusing to restore to the people the right of choosing presidential electors; they protested against the designation of a candidate for governor by the members of the legislature, as an unauthorized assumption of power, and they recommended that a convention of delegates should be chosen by the friends of an electoral law, who should meet at Utica, on the 21st of September, for the purpose of nominating a governor and lieut. governor.

On the 1st of April, Mr. Wheaton, although he had obtained leave of absence during the remainder of the session, arrived at Albany from Washington, and resumed his seat in the assembly. It is not improbable that the opponents of Mr. Crawford, at Washington, had advised to the measure which was adopted at the meeting of which Mr. Ogden was chairman, and that the timely arrival and influence of Mr. Wheaton, may have had some effect in getting up that meeting.

On the 9th of April a meeting was held in New-York, of which Morgan Lewis was chairman, and C. D. Colden secretary; at which Gen. Jackson was nominated for president.

During all these violent contests, which occurred in the winter of 1824, Mr. Clinton, so far as his personal influence was concerned, remained perfectly quiet, and very few if any of his friends intimated the least inclination to bring him before the public for any office whatever; indeed I am quite sure that nine-tenths of them were opposed to his being a candidate for any public employment;—Not from any want of confidence in his capacity, or respect for his merits, but because they believed that he could not be sustained by a majority of the people, and because

they were unwilling to embarrass the action and impede the success of the people's party, a party which a vast majority of them were inclined to sustain, by affording the adverse party an opportunity of availing themselves of the prejudices entertained by many friends of the electoral law, against Mr. Clinton.

The Crawford party charged on the people's party a disposition to coalesce with the Clintonians; and, with a view of identifying the "*peopleish*" party with the Clintonians, and when that should be done, of recovering, in consequence, many fugitives and deserters from their own ranks, or of creating an irreparable breach between the Clintonian and people's party, they adopted a singular but daring and bold project.

We have seen with what zeal Mr. Clinton had, for many years, devoted himself to the promotion of the canal policy; that he had been appointed, not by a party, but by the friends of internal improvements, one of the first canal commissioners; that he had supported the great measure of constructing the Erie and Champlain canals, at the hazard of the utter prostration of his political prospects, and that his services in aid of that great work had been rendered gratuitously. No mal-conduct was charged or insinuated against him, as canal commissioner. He was then president of the board, a majority of whom were his political opponents. On the last day of the session, but a few hours, perhaps I may say minutes, before the time fixed for the adjournment of both houses, Mr. Bowman, a senator from Monroe county, submitted a resolution for the removal of De Witt Clinton from the office of canal commissioner. The resolution was acted upon without a moment's delay, and all the senators save three voted in the affirmative. Mr. Cramer, much to his credit, was one of them. The other two, were Morgan from the west, and McIntyre from Montgomery county.

The resolution was forthwith sent to the assembly, where it was instantly passed by a majority of sixty-four to thirty-four.

After the resolution was read in the assembly, and before the vote on it was taken, Mr. Cunningham of Montgery, who, altogether taken by surprise, with difficulty obtained the floor for the space of a few minutes, and poured forth the following torrent of eloquent denunciation against the authors of this deed.

"I rise," said Mr. Cunningham, "with no ordinary feeling of surprise and astonishment at the resolution just read, as coming from the senate. Sir, it is calculated to rouse the feelings of every honest man on this floor. Its very approach was marked with black ingratitude and base design. I do not wish to speak disrespectfully of a co-ordinate branch of the legislature, nor to impute their acts to improper motives, but I hope I may be permitted to inquire, for what good and honorable purpose has this resolution been sent here for concurrence at the very last moment of our session? Is it to create discord among us and destroy that harmony and good feeling which ought to prevail at our separation? We have spent rising of three months in legislation, and not one word has been said, intimating a desire or intention to expel that honorable gentleman from the board of canal commissioners. Sir, he was called to that place by the united voice and common consent of the people of this state, on account of his peculiar and transcendent fitness to preside at that board, and by his council stimulate and forward the great undertaking His labor for years has been ardent and unceasing for the public good; he endured slander and persecution from every direction like a Christian martyr; but steadfast in his purpose, he pursued his course with a firm and steady step, until all was crowned with success, and the most ardent of his opposers sat in sullen silence.

"For what, let me ask, did Mr. Clinton endure all this? Was it for the sake of a salary? No sir, it was for the honor and welfare of his state; it was from noble and patriotic motives and for which he asked nothing, nor did he expect anything but the gratitude of his fellow-citizens.

"Now sir, I put the question to this honorable house to decide upon the oath which they have taken, and upon their sense of propriety and honor, whether they are ready by their votes to commit the sin of ingratitude.

"I hope there is yet a redeeming spirit in this house—that we will not be guilty of so great an outrage. If we concur in this resolution, we shall take upon ourselves an awful responsibility, one for which our constituents will call us to a strict account. What, let me ask, shall we answer in excuse for ourselves, when we return to an inquisitive and watchful people? What can we charge to Mr. Clinton? what can we say he has been guilty of, that he should be singled out as an object of state vengeance? Will some friend of this resolution be kind enough to inform me? Sir, I challenge an inquiry, I demand from the supporters of this high handed measure, that they lay their hands on their hearts and answer me truly for what cause is this man to be removed.

"I dare assert in my place that his doings as a canal commissioner are unimpeached, and unimpeachable, and such as have even elicited the plaudits and admiration of his political enemies. This sir, is the official character of the man whom we now seek to destroy. I hope that this house will pardon me when I freely declare my opinion that this resolution was engendered in the most unhallowed feelings of malice, to effect some nefarious secret purpose at the expense of the honor and integrity of this legislature; however hard it may seem, it is the irresistible impulse of my mind. Some may call me a federalist or



Clintonian, and hence my zeal manifested on this occasion; not so sir, no party name or feeling shall be suffered to influence my conduct or my vote when considerations of justice, of gratitude, and of principle make their demands upon me. However much I esteem Mr. Clinton as a profound statesman and scholar, I am not embarked in his political fortunes, but free and untrammelled without fear, favor, or affection.

"I am well aware that some honorable gentlemen may think, if they vote against this resolution, they will be suspected in their politics; such considerations ought not to influence us on this subject. Mr. Clinton is not in the political market, he reposes in the shades of honorable retirement—he asks for no office and possesses none but the one of which he is about to be stripped.

"The senate, it appears, have been actuated by some cruel and malignant passion unaccounted for, and have made a rush upon this house and taken us on surprise. The resolution may pass, but if it does, my word for it, we are disgraced in the judgment and good sense of an injured but intelligent community. Whatever the fate of this resolution may be, let it be remembered that Mr. Clinton has acquired a reputation not to be destroyed by the pitiful malice of a few leading partizans of the day.

"When the contemptible party strifes of the present day shall have passed by, and the political bargainers and jugglers, who now hang round this capitol for subsistence, shall be overwhelmed and forgotten in their own insignificance—when the gentle breeze shall pass over the tomb of that great man, carrying with it the just tribute of honor and praise which is now withheld—the pen of the future historian, in better days and in better times, will do him justice, and erect to his memory a proud monument of fame as imperishable as the splendid works which owe their origin to his genius and perseverance.

"Sir, I have done—and I have only to beseech every honorable gentleman on this floor, to weigh and consider well the consequences of the vote he is about to give on this important question. It is probably the last that will be given this session, and I pray God it may be such as will not disgrace us in the eyes of our constituents."

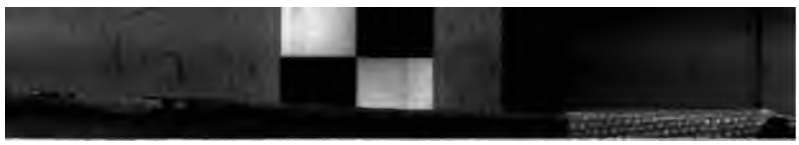
It is proper to add, that Mr. Cunningham was not an educated man, but was a man of genius, warm hearted and naturally eloquent.

In the assembly, as well as in the senate, nearly all the members belonging to the people's party, who were supporters of Mr. Adams, voted for the resolution, while some of the Crawford men voted against it.

Wheaton and Tallmadge voted for the removal. They also were taken and intended to be taken by surprise.—But it was the most unfortunate vote ever given by Gen. Tallmadge; for had it not been for that vote, he would undoubtedly have been the next governor of the state of New-York, with the consent and support of the whole Clintonian party.

The legislature then adjourned to the first Monday in November.

The removal of De Witt Clinton could not have been devised or advised by Van Buren. The news of this outrage operated like an electric shock on the whole community. Upon a short notice, the citizens of Albany rushed to the capitol in great numbers and appointed the venerable John Tayler chairman, and an aged revolutionary veteran, Gen. John H. Wendell, secretary. The meeting was addressed with impassioned and unsurpassed eloquence by Col. James McKown, whom I have had occasion heretofore to mention, as in the years 1819 and '20 a distinguished member of assembly from the city of Albany. At the conclusion of his speech, "Mr. McKown read the following resolutions, which were separately put



to the meeting by the chairman, and adopted amidst the strongest expressions of reiterated applause:

"*Resolved*, That the late removal of DE WITT CLINTON, confessedly without any pretence of misconduct, from the office of canal commissioner, the duties of which he had for fourteen years discharged with distinguished zeal and ability, and without any pecuniary reward, is a most flagrant and wanton violation of public trust, injurious to the interest of the state, and an act of ingratitude and injustice revolting to the moral sense of every honorable man, and unparalleled in the political history of this country.

"*Resolved*, That we have sought in vain for any palliating circumstances, to mitigate this most glaring outrage, and that we can only regard it as the offspring of that malignant and insatiable spirit of political proscription, which has already so deeply stained the annals of our state.

"*Resolved*, That the perpetrators of this act of violence and ingratitude, are utterly unworthy of public confidence and justly deserve the reprobation of an injured and insulted community.

"*Resolved*, That for the boldness with which he planned, the patriotic devotion with which he undertook and the high and commanding talents and unremitted ardour with which he has successfully prosecuted, a scheme of internal improvement surpassing in magnitude all that had ever been conceived on this side of the Atlantic, and no less useful than it is grand, this distinguished citizen is entitled to the admiration, gratitude and the applause of his country, and especially of the state of New-York.

"*Resolved*, That William James, Ebenezer Baldwin, Joseph Alexander, Philip S. Parker, Isaiah Townsend, Israel Smith, Samuel M. Hopkins, Chandler Starr, Elisha Jenkins, Gideon Hawley, Teunis Van Vechten, John Cassidy, Jeremiah Waterman, James M'Kown, Jabez D.

Hammond and Alfred Conckling, together with the chairman and secretary, be a committee to express to him, in behalf of this meeting, the lively sense which we entertain of these very highly meritorious services, and to tender to him the tribute of our warmest thanks."

These resolutions were drawn by Alfred Conckling, now a judge of the United States court of the northern district of New-York.

The people of the city of New-York also held a meeting, at which they denounced with great severity the removal of Mr. Clinton, and took the unusual course of appointing a committee of twenty-five of their most distinguished citizens, among whom were William Bayard, Thomas Addis Emmet, C. D. Colden and Thomas Hertell, to visit Mr. Clinton at Albany, and in person make known to him the feelings of the meeting. This committee waited on him at Albany, and their address to him, as well as his reply, were highly creditable to the heads and hearts of the parties.

It is a singular fact, honorable to the moral sense of this community, that, since this transaction, I have never heard a single individual, of any political sect, speak of it without reprobating it.

The measure did not have the effect intended by the Crawford party in the legislature. The Clintonians universally perceived the motives which induced the act They were convinced that it was contrived with a view to entrap the people's party. If they voted against the removal, then they were to become identified with the Clintonians; if they voted for it, then the Clintonians were to denounce them. The contrivance did not succeed.

I have dwelt with more particularity on the removal of Mr. Clinton, because, from the moment it occurred, and not until then, his friends began to insist that he should be the next candidate for governor; and I do not think it



unreasonable to infer, that his removal was the cause of his subsequent nomination and election.

It is scarcely necessary to remark, that the adjournment of the legislature did not diminish the anxiety and excitement in the public mind. But perhaps no individual felt more, or reflected with more painful anxiety on the events of the last winter, than Gov. Yates. He had voluntarily surrendered his seat on the bench of the supreme court, which unquestionably he might have retained for some ten or twelve years; he had, upon the organization of the government under the new constitution, encountered all the difficulties and responsibilities of distributing the state patronage among thousands of powerful competitors; and he had served his party, sometimes at the expense of sacrificing his individual predilections, with fidelity. But he was now cast off and doomed to retirement, while his rival, (Col. Young,) was to enjoy that distinction and authority which he believed fairly and of right to be his. To such a state of things he could not yield a quiet submission. He was told, and he believed, that he had lost his popularity by refusing, in his message in January, to recommend an electoral law, and he persuaded himself that the party in favor of that measure, which he knew was composed as well of the Clintonians as the people's men, were so much divided in opinion about the selection of a gubernatorial candidate, that if he were to place himself in an attitude which would enable them with any decent regard to consistency to support him as their candidate, in all probability they would do so; or if in this view of the case he was mistaken—if he was to come out publicly in favor of the measure which had recently excited so much attention—it would create such confusion in the ranks of the supporters of Col. Young, as would, in all probability, defeat a rival for whom it cannot be supposed he entertained much affection. It must have been under some such impressions,

that, contrary to the expectations, and to the surprise of all parties, on the 2nd day of June he issued a proclamation requiring an extra session of the legislature on the 2nd day of August.

His proclamation recited, that whereas, contrary to his anticipations when he communicated his annual message, congress had adjourned without having taken any action on the subject of amending the constitution in relation to the choice of presidential electors; and whereas, during the last session, a bill had nearly unanimously passed the assembly, giving to the people the power to choose the electors, which had been postponed in the senate; and also whereas, the people were justly alarmed with the apprehension that "*their undoubted right*" of choosing the electors of president and vice-president would be withheld from them; therefore, for the purpose of enabling their representatives to carry into effect their wishes in this respect, he directed an extra meeting of the legislature. But this expedient did not result in any personal benefit to Gov. Yates, unless the defeat of Col. Young was a gratification to his feelings. The Clintonian party could not be brought to look upon him with favor, and it was too late to change the current of the people's party in his favor. The friends of Mr. Crawford viewed his conduct with sensations of surprise and indignation.

During this year, Mr. Leake resigned his office as one of the state printers, and the printing for the state was confided solely to Mr. Croswell. The cause of this change was that Mr. Leake was an honest and decided friend to Mr. Clay for the presidency, while Mr. Croswell was equally decided in favor of Mr. Crawford. Both gentlemen having become fixed and settled in their respective predilections and a large majority of the patrons of the Argus concurring in opinion with Mr. Croswell, an amicable arrangement was made between the



parties in interest by which Mr. Leake voluntarily withdrew from the concern.

On the 2nd of August, there was a very full attendance of the members of the legislature at Albany, and as soon as the senate was opened and before the governor's message was delivered, one of the seventeen senators who had voted against the electoral law, (Byram Green,) moved a resolution censuring the governor for calling the legislature together. The governor's message contained a reiteration of the sentiments contained in his proclamation, and strongly urged the propriety of passing an electoral law.

It strikes me it would have been better for the governor frankly to have avowed, that since the delivery of his annual message he had changed his opinion on that subject; for there really was something ludicrous in the pretension that at the time when he wrote his message in January, he seriously believed that by any action of congress the United States constitution would be amended so as to change the mode of choosing electors. He knew well, that congress could not, if they would, at the then next election restore the people to "their undoubted right" of choosing the presidential electors; and every sane man knew that by a constitutional majority they would not, if they could.

Immediately after the governor's message was read, Mr. Flagg offered the following resolutions:

"*Resolved*, That since the last adjournment of the legislature, nothing has transpired within the letter or spirit of the constitution, requiring an extraordinary session at this time; and, therefore, the proclamation of the governor convening the same, is not warranted by the constitution.

"*Resolved*, That inasmuch as the transaction of legislative business in obedience to a proclamation thus indiscreetly issued, and especially in relation to a subject

which had been repeatedly discussed and acted upon by the legislature at their last meeting, would sanction a precedent of dangerous tendency; and that it is due to the members of the legislature, as well as to the constitution under which they sit, and the oath they have taken to support it, as to the highest and best interests of their constituents, that they should forthwith adjourn—Therefore,

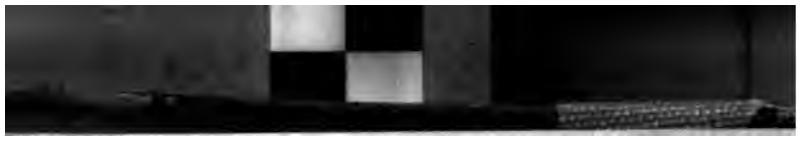
"*Resolved*, (if the senate concur,) the two houses will immediately adjourn, to meet again pursuant to law."

The two first resolutions were adopted by a majority of the house, although that same house, I believe, on the same day, passed a resolution, by a vote of seventy-five to forty-four, that an electoral law ought to be passed. During the discussion of these resolutions much heat was excited, and some very able and eloquent speeches were delivered. Gen. Tallmadge, in particular, distinguished himself by several powerful addresses, and on one occasion drew forth such tumultuous applause from the galleries that the authority of the speaker was put in requisition, and was hardly sufficient to preserve any thing like order.

Not a single act of legislation was accomplished; and the two houses adjourned on the 6th of August to the first Monday in November, after a session of four days.

If Gov. Yates had any personal views in calling this extra session, he entirely failed of realizing them. To him, individually, the movement was injurious; but to the party opposed to the election of Col. Young, it was highly beneficial, as it served to continue and increase the agitations of the public mind, and strengthen the opposition to the Crawford party.

After the adjournment of the legislature, all eyes were turned with intense anxiety to the Utica convention. Many of the political and personal friends of Mr. Clinton began to put themselves in motion and to urge his nomination, while others of that class doubted the propri-



ety of the measure. Several of the latter were among his most respectable personal friends. They believed the prejudice against him so universal, that to bring him before the public at that time, would be a dangerous experiment, and would be hazarding too much; while others, ardent for the prostration of the Albany Regency, and looking to the success of the cause in which they were engaged as paramount to all other considerations, entertained apprehensions that that success would be unnecessarily jeopardised by the nomination of Clinton, in consequence of the existence of the mass of prejudice to which I have alluded. Gen. Tallmadge was a connexion of the Clinton family. He had, for many years, been a Clintonian, and as such had been elected a member of congress; but, at the convention of 1821, had claimed to be of the other party. In the winter of 1824 he was universally the favorite candidate for governor, of the Clintonian party. But his vote on the removal of Mr. Clinton from the office of canal commissioner, had changed that partiality into the most bitter feeling of hostility.

Such was the personal resentment entertained against him, that the Clintonians would much more willingly have supported Henry Wheaton, who had, from the time of the establishment of the National Advocate, to the time of his vote for the removal of Clinton, steadily, and I may add, bitterly opposed him. Wheaton had acted in accordance with his uniform political course; Tallmadge was considered as having added treachery to an unprincipled act, resting on political expedience alone for its defence.

Mr. Clinton himself, who, as I have somewhere else observed, generally looked at a given end without taking care to provide for the means of accomplishing it, was sanguine in his hopes of success, not only of a nomination but an election.

There was a young man by the name of Charles G. Haines who, some few years before, had emigrated from the state of New-Hampshire to the city of New-York, an acquaintance, and I believe, a classmate, of Mr. Carter of the New-York Statesman, who had been introduced to the notice of Mr. Clinton while he was governor. Mr. H. was a man of fine appearance and good address. He wrote much on political subjects, and with great facility and fluency. Although a young man of great activity and energy, his talents were rather of the showy kind—more brilliant than solid. He was the advocate, perhaps I ought to say, the eulogist of Gov. Clinton—the weakest point in whose character was too great fondness for praise—a weakness which degenerated into an appetite for personal adulation. Mr. Haines soon became a great favorite and for some time while Mr. C. was governor Mr. Haines was his private secretary. This young gentleman took a very active part in procuring the nomination of Mr. Clinton. He opened a correspondence with the political friends of Clinton in every part of the state. He travelled from one county to another; he wrote and published in the leading Clintonian newspapers in favor of Mr. Clinton's nomination; and he, in person, exhorted his friends everywhere to stand firm in his support. [*See Note 1.*]

On the other hand, the people's party proper, at the head of whom stood Tallmadge, Wheaton, Burt, Ogden, Burrows, and others, entertained the most invincible prejudices against Clinton. But they had no man whose standing would warrant them to bring forward as governor except Gen. Tallmadge, and the aversion to him on the part of the Clintonians was equally invincible. Had the people's party have been able to have offered some other man of equal standing and talents with Mr. Tallmadge, I am inclined to believe, a majority of the Clintonian party would have yielded him their support.



The Utica convention contained an assemblage of men many of whom were distinguished for their talents, weight of character, and private worth; but when organized, it was soon ascertained that, as between Gen. Tallmadge and Mr. Clinton, a large majority of the members were favorable to the latter.

One hundred and twenty-two delegates were present. The first day was spent in organizing, and in ascertaining each other's opinions and views. There were in the convention, if I rightly recollect, about thirty people's men. These were all in favor of Tallmadge; and besides these, several Clintonians thought his nomination would be most judicious, among whom were Mr. Gerrit Smith of Madison, and Doct. Barstow of Tioga. The meeting was organized by the appointment of the venerable John Tayler of Albany, president, Alexander Coffin, an old and highly respectable citizen of Hudson, and an uniform democrat, vice-president, and Samuel Stevens of Washington county since so brilliantly distinguished as an eminent lawyer, then a people's man, secretary.

The people's party in the convention, finding it was impossible to nominate Tallmadge, proposed John W. Taylor of Saratoga, late speaker of the United States house of representatives, who was known as a Clintonian. A majority of the Clintonian members manifested a disposition to accede to this proposition: but Mr. Viele, a delegate from Saratoga, produced a letter from Mr. Taylor positively declining a nomination. Of course this amicable arrangement could not be consummated. And here I beg leave to pause in my narrative, for the purpose of making a single remark. Mr. Taylor was a supporter of Adams—Mr. Clinton of Jackson. Had Taylor have been elected governor, he would, by his prudence and address, soon have amalgamated the Clintonian and people's party into one compact, organized body; and the state, in all

human probability, would have supported the administration of Mr. Adams, and his re-election. Had it, in 1826 and '27, been universally believed that the great state of New-York would have given its vote for the re-election of Mr. Adams, in 1828, is it not probable that he would have been re-elected? What great events, in the political as well as the natural world, may be produced by apparently trifling causes!

On the the 22nd September, De Witt Clinton was nominated governor by a large majority, and James Tallmadge was unanimously nominated lieutenant governor.

The convention, before they adjourned, resolved, that legislative caucusses were improper, and that justices of the peace ought to be elected by the people.* Both these resolutions were in themselves correct, and in accordance with the public sentiment at that period.

As soon as it was declared in convention that De Witt Clinton was nominated, Mr. Coffin, the vice-president, the New-York Delegation and most of the members who belonged to the people's party seceded in a body from the convention and formed another meeting, of which Mr. Coffin was made chairman, and Mr. Todd, of New-York, secretary. But, alas! what could they do? A convention of delegates, chosen by citizens "in favor of the electoral law," had in pursuance of their own recommendation met, and after free and full discussion, nominated the state executive officers. As the high minded federalists, some years before, had said of themselves and of the federal party, they had no ground of principle to stand upon. They were committed against Young—they were committed against Clinton. If they held up a candidate of their own, the consequence would be, either Mr. Clinton or Mr. Young would be elected, to both of whom they were opposed. In this posture of affairs, they contented themselves with publishing a protest against the nomina-

* This resolution was moved by Gen. J. Gebhard of Schoharie.



tion of Mr. Clinton, and resolving that they would support Gen. Tallmadge as lieut. governor. This movement did not, I imagine, produce much effect either one way or the other. At any rate I do not think it weakened the support of Mr. Clinton. It rather had the effect of banishing all suspicion of a secret understanding between the Clintonians and people's party.

After Mr. Clinton's nomination, a strong effort was made to induce the democratic friends of the electoral law to support Col. Young. Previous to the Utica convention Mr. Young, in a letter to Mr. Hudson, a member of the assembly from Madison county, had declared himself in favor of such a law and of Henry Clay for president. After the Utica convention, Mr. Young again wrote to Jesse Clark, a member of the senate from Seneca county, repeating what he had stated to Mr. Hudson, and declaring that his opinions remained unchanged. This letter bears date on the 29th September, which, it will be seen, was a few days after the convention. Both letters were published in most of the newspapers printed in the state. The publication of these letters utterly failed in drawing to the support of Mr. Y. the real friends of the electoral law. Whatever might be Col. Young's private opinions, they regarded him as the selected agent of the Albany Regency, who was to execute their behests. They could not believe that the favorite of the seventeen senators who had deliberately denied the people the right of choosing their own agents, was sincerely attached to those principles which the same senators had, by their vote, solemnly repudiated. While, on the other hand, honorable men, who had opposed the electoral law, and were sincerely desirous of the election of Mr. Crawford as the only real democratic candidate, were displeased and disgusted at an act of their candidate, for the first office in

the state, which, on the face of it, was condemnatory of their own political course.

The result of the election in November astounded men of all parties. It was a complete tornado. Mr. Clinton was elected governor by a majority of sixteen thousand nine hundred and six votes over Col. Young; and Gen. Tallmadge's majority over General Root was thirty-two thousand four hundred and nine. In the county of Tompkins, Tallmadge received three thousand six hundred and thirty-three votes, and Root only *three!* In the same county Young obtained a majority of two hundred and thirty-two over Clinton. In six of the eight senatorial districts, the people's or Clintonian ticket was successful. What a change! Only two years before, every district in the state had chosen strictly caucus or regency candidates.

In the assembly, a very large majority (more than three to one,) of the members were opposed to the Albany Regency.

The senators elected, were—

From the First District, Cadwallader D. Colden,
" Second do., Wells Lake,
" Third do., Richard McMichael,
" Fourth do., John Crary,
" Fifth do., George Brayton,
" Sixth do., Stukely Ellsworth,
" Seventh do., John C. Spencer,
" Eighth do., Samuel Wilkinson.

Mr. Lake and Mr. Ellsworth were elected on the regular democratic ticket, and, by their opponents, were called regency men; all the rest were Clintonians. In the seventh district Byram Greene, the late senator, was the opposing candidate to Mr. Spencer. He was the only member of the celebrated *seventeen* who ventured himself as a candidate, and he was beaten by a tremendous majority. Dudley Marvin, a member of congress, of great wit and



good humor, speaking of Mr. Spencer's majority and of Mr. Greene, told Mr. S. he "*had got a greater majority than if he had run alone.*"

In the sixth district, Mr. John Blakely, a member of the people's party, was the opposing candidate to Mr. Ellsworth, and, contrary to all reasonable expectation, considering the strength of parties in the district, came within a very few votes of being elected. In short, never was there a political revolution in this state more decisive and complete.

The legislature convened, for the purpose of choosing presidential electors, on the 2nd of November, and on the next day a caucus was held in the senate chamber for the purpose of nominating the electors. The republican members of the two houses were called in the usual form, by a written notice. Gen. Root was appointed chairman. He directed that in calling the roll the names of those members in attendance who joined in recommending the Utica convention should be omitted. This decision was appealed from, and the general refused to put the question on the appeal. The meeting at length dissolved in confusion, without any formal action.

On the 10th of November, however, the senate nominated electors on the part of that house. There were three tickets voted for. The ticket having on it the names of thirty-six electors favorable to Mr. Clay, received seven votes; that in favor of Mr. Adams received seven votes; and that in favor of Mr. Crawford, seventeen. Thus it will be seen, that the same number of votes were given for the Crawford ticket, as there were senators who voted for the indefinite postponement of the electoral law. The same men who voted for that postponement voted for Crawford electors. The Crawford ticket was, of course, nominated in the senate.

In the assembly there was, for some time, great difficulty in making any nomination, there not being a majority of that body in favor of any one of the presidential candidates. On the first attempt to nominate, the Clay ticket received thirty-two votes, the Crawford forty-three, and the Adams fifty. After considerable manœuvring, a compromise between the friends of Mr. Adams and Mr. Clay was effected, and it was agreed to form a ticket composed of electors part of whom were for Mr. Adams and part for Mr. Clay. The ticket thus formed, was nominated by the assembly; but, upon a joint ballot of the two houses, in consequence of three blank votes, so nearly were the parties divided, that only thirty-two out of the thirty-six electors, were declared duly chosen. Upon a second ballot, four of the Crawford men were elected. It will be seen, in the sequel, that these four votes taken from Clay and given to Crawford, caused him to be one of the three candidates who received the highest number of votes, and excluded Mr. Clay from a competition in the house of representatives; for, upon the final canvass, Mr. Crawford received in the United States, including those four votes, forty-one votes, and Mr. Clay thirty-seven. Did the Adams men, in the New-York legislature, act with good faith towards their Clay friends?

At the time the electors were chosen, it was well known, that no election of president would be made by the electors in December; that the election would eventually be made by the states in congress; that however the vote of New-York might be cast, Mr. Adams and Gen. Jackson would be among the three candidates out of whom, by the constitution, the president must be chosen; and, of course, all which New-York could effect by her vote would be to decide the question whether Mr. Crawford or Mr. Clay should be a candidate before the house of representatives. Another point was universally conceded, which was, that



Mr. Crawford, if he received votes enough to carry him into the house, could not be elected, and that, in all human probability, if Mr. Clay could be one of these candidates, he would be elected. Hence it may be inferred, that the friends of Mr. Adams were really interested in favor of Crawford as against Clay. What surprised me, was, that Mr. Crawford's friends did not, under this aspect of the case, choose Clay electors. In this way, the state of New-York, and in truth, the Crawford party, would in fact have made the next president. It is probable, that before the contest terminated, more of personal feeling had mingled with the political struggle than a bystander would have been led to suppose.

On the 3d of November, Mr. Knower resigned his office as treasurer, and Abraham Keyser of Schoharie, was, before the adjournment of the legislature, appointed his successor.

Several new banks had, during the winter session, been chartered, among which was the Chemical Bank in New-York. During the November session, a complaint was made that the passage of the bill for chartering this bank had been procured by corrupt means. An investigation was ordered, and a committee appointed with power to send for persons and papers. The evidence given before the committee afforded a most disgusting picture of the depravity of the members of the legislature, and indeed, I might say, of the degradation of human nature itself. The attempt to corrupt, and in fact, corruption itself, was not confined to any one party. It extended to individuals of all parties, and it is not improbable that the interest of members in these applications for moneyed incorporations had an effect on the political action of some of them. Mr Caldwell, a witness, testified that he heard a senator say, "I am a Crawford man to-day, but unless the Chemical Bank passes I shall be a people's man to-morrow." In

short, it was evident that the foul and sickening scenes of 1812, had been re-enacted in 1824.

I will close the narrative of the proceedings of this year with a single reflection, which is, that it is very probable, if the friends of Mr. Crawford had, at the commencement of the session of 1824, either,

First. Openly and frankly declared their real views—that, in their judgment, it was essential for the preservation of the republican ascendancy in the nation that Mr. Crawford should be elected president; that to effect their object it was only necessary to retain the law as it then was, and had been ever since the adoption of the federal constitution: to wit, that the electors should be chosen by the legislature, and if an innovation was then attempted, to have frankly and honestly avowed the principles upon which they acted. Or,

Second. If they had come out, as perhaps they ought to have done, considering the circumstances and pledges under which many of them were elected, and declared themselves in favor of an electoral law, and such an electoral law as was in accordance with our usage and practice ever since the organization of the government, that is, that a plurality of votes should decide the election; if they had, in good faith, supported the enactment of such a law; if, after its passage, they had nominated, as they might have done, electors favorable to Mr. Crawford; and if then, in conducting the election, they had denounced every man who should oppose such nomination as a traitor to the republican party, I sincerely believe that the discipline of party, the charm of names, and the high character and real merit of Mr. Crawford, together with the horror which at that time was felt, whenever Clintonianism or federalism was mentioned, would have ensured a triumph to the Crawford party.

conjectures, they furnish addi-
public as well as in private
cess is most effectually secured
and that, in politics, as well as
en man and man, "*honesty is*

CHAPTER XXXI.

FROM JANUARY 1, 1825, TO JANUARY 1, 1826.

It would, perhaps, have been more agreeable to my general plan of conducting these sketches, before I closed the last chapter, to have given some account of the passage of three acts which partook of a party character, during the November session of the legislature.

Although there was a majority of that legislature who were opposed to that class of politicians who were called the Albany Regency party, yet a very considerable majority of the members in both houses were opposed to Mr. Clinton and desirous of restricting his power and patronage. This will account for the legislative action which took place at the extra session, at a moment when the regency knew that the control over two branches of the government—the assembly and the executive department—was about to pass out of their hands.

As a sort of excuse for not passing an electoral law, and as if they were uncertain what the details of such a law ought to be, they passed a bill directing that, at the next annual election the inspectors of the several polls should provide three boxes, in one of which each voter might deposite a ballot, on which should be written "By Districts," or "By general ticket, plurality," or "By general ticket, majority;" and that the result of this voting should be certified to the legislature at their first meeting in 1826, by the secretary of state.

They were sensible that there would be soon an absolute necessity of revising the statutes of the state, with a view, among other things, of better adapting them to the new constitution. This subject, it will be remembered,



had been repeatedly urged upon the legislature by Gov. Yates, but they could never find time to attend to it until after the election in November. Not wishing to leave the appointment of the revisers to their successors, before their adjournment, they passed a law appointing James Kent, Erastus Root and Benjamin F. Butler, revisers of the laws of New-York, for which each of the gentlemen were to be allowed one thousand dollars.

But the most important act which they passed was contained in one short section, and was in the following words:—"All civil officers who now are or hereafter shall be duly commissioned, and shall have taken upon themselves the duties of their respective offices, shall continue to execute the duties of their respective offices, *notwithstanding the expiration of the time for which they shall have been appointed, until a successor to such offices respectively shall be duly commissioned, and shall take upon themselves the duties of such offices respectively.*" This was one of the last acts passed on the last day of the session. By this law, if it is constitutional, of which there are some doubts, the senate, in all cases, would have the right of choosing between the person nominated by the governor, and the incumbent. It is hardly necessary to add, that ninety-nine hundredths of those in office were the political friends of the majority of the senate. Although, as I have remarked, the constitutionality of this act has been doubted; and although this statute, which continues to be in force, was evidently passed from party motives, and to meet the exigency which then existed; as there seems to be a necessity for some such provision, and as such an arrangement will naturally be agreeable to the party in power, I doubt whether it will ever be repealed.

Nearly all those members of the legislature of 1825, who belonged to the people's party, were politically hostile to Mr. Clinton, and many of them were personally so.

Of this class were Messrs. Ogden and Burrows of the senate; and they were leading members of the new party. What probably increased their aversion to the governor, was, that he was openly and avowedly in favor of General Jackson for the presidency, whereas, a great majority of the people's party were for Adams. Ogden and Burrows were his zealous supporters. The prudent and discreet friends of Mr. Clinton, were extremely anxious to overcome and dissipate these prejudices; and they took occasion, during the November session, to urge upon Governor Clinton the propriety of endeavoring to gain the confidence and friendship of the leaders of the people's party. It was represented to him, that all in fact were engaged in the same great cause, which was, to destroy the ascendancy in the state of the Albany Regency; that there could be no doubt, that to the efforts of the people's party in the legislature, during the preceding winter, he owed his triumphant success at the last election; and that, if all the real friends of the electoral law could be amalgamated into one organized party, its durable and permanent ascendancy would be placed beyond question.

They, therefore, exhorted the governor to make the advance himself to Judge Ogden and other leaders of the people's party; to invite them to a frank and free communication of their wishes; and to express his readiness to make with them a common cause. But he received these suggestions with cold indifference, and utterly neglected and refused to be at all influenced by them. Mr. Clinton always overrated his own strength, and underrated that of his opponents, which, in my judgment, is a serious defect in the character of a man who claims to be the leader of a party. Mr. Clinton would fight his enemy manfully, but he would listen to no pacific overtures until he himself, or his opponent, was completely conquered. No effectual



aid in amalgamating the people's party with the Clintonians, could therefore be derived from the governor.

On the other hand, Gen. Tallmadge, who was smarting under the disappointment of not having himself been made governor, and burning with indignation, personally, towards Mr. Clinton, (for what cause I know not,) from the moment of his election, seemed to have set himself to work to prevent any of the people's party from forming a political connection with the governor or his friends. General Tallmadge, though beyond all question a man of talents, appears to me, nearly through his whole life, to have been politically eccentric and wrong-headed. One of his errors undoubtedly was, that he had imbibed an opinion that political success depended more on tact, and what is called *management*, than on the measures which the politician advocated, or on personal merit. He had been brought up and educated, if I may so express myself, under the discipline of the old council of appointment. I do not assert the fact, but I give it as my opinion, that immediately after the election, he formed the project of leading off a party, of which, of course, he was to be the head; to be composed partly of Clintonians and partly of democrats; leaving in one party, as cast off lumber, Clinton and Spencer, and in the other, Van Buren, Yates, &c. It is impossible to account for his conduct upon any rational grounds, without supposing that he must have formed some such scheme, visionary as it must appear to be, to every man of practical good sense.

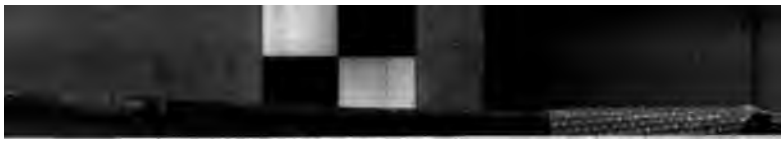
The mutual friends of Gov. Clinton and Gen. Tallmadge made frequent and ardent appeals to the latter, assuring him of their continued friendship and support, and warning him of the inevitable ruin which would be the consequence, probably to both parties, if there should be war between him and the governor. These appeals were worse than useless; for they probably produced an impres-

sion on his mind that Mr. Clinton's friends feared his influence—an impression which tended to increase his confidence in his own strength. His *thirty-two thousand* majority had deluded him. In all his conversations, the burden of his song was, the errors and faults of Mr. Clinton; besides which, the general seemed suddenly to be alarmed and horrified by the fear of the ghost of federalism.

In this attitude, as respected each other, were the Clintonian and people's parties, when the legislature met, on the fourth day of January, 1825.

On the first day of the session, one hundred and twenty-two members of the assembly were present. Clarkson Crolius, of New-York, a very good man, but not distinguished for talents, received one hundred and nine votes, and was elected speaker. Horatio Merchant was chosen clerk. A majority of the members of this assembly were, properly speaking, Clintonians, and yet they elected a speaker and a clerk who belonged to the people's party, and who had been among the most bitter opponents of the governor and his friends. This fact shows with what cordiality the two parties might have united, had the efforts of the real working men of both parties been seconded, or rather had their efforts not been thwarted by their leaders.

The governor's message was long, but it was very able, and I think I may add, very excellent. He recommended the passage of an electoral law by general ticket, and the election to be made by a plurality of votes. He also recommended an amendment of the constitution, by an extension of the right of suffrage, so as in fact to make it universal, and the election of justices of the peace by the people of the respective towns. He advised the creation of a board of internal improvements, and an extension of those improvements by canals. He complained of a recent decision of the supreme court of the United States, on a



question affecting the rights of individual states, and urged that an amendment of the United States constitution ought to be made, conferring the jurisdiction now claimed by the supreme court, of questions affecting the rights of the states in their corporate capacity, on the senate of the United States.

The fault in the message, in my judgment, was, that it recommended too extensive a system of canaling—an extension altogether beyond the pecuniary means of the state to accomplish. This, sanguine as he was in his notions respecting the ability of the state, I can hardly resist the belief, he must have known. If his object in recommending the making of so many canals, was to acquire popularity in the various neighborhoods where he indicated that those improvements ought to be made, (and I can have no doubt that that consideration had some effect upon him,) his course was still more unjustifiable.

The governor concluded his message by a pressing recommendation of union of action, to advance the public interest, and with the following allusion to the council of appointment, as one of the principal causes of former dissensions:

"The causes which led to our divisions and distractions, no longer predominate. We are emancipated from the thraldom of a system of patronage which formed a component part of our former constitution, and whose direct tendency and inevitable operation were to agitate the community with incessant convulsions; to make personal gratification the standard of political orthodoxy; to render the state the victim of political machinations at home and from abroad; and to convert the very favors conferred by its bounty into the instruments of its vassalage and degradation. With a full view of these evils, I recommended, at an early period, a different arrangement of the appointing power. The patronage once vested in a council of

appointment is now diffused; and political power, which under the former order of things, was, in many respects, concentrated in petty aristocracies, and wielded by factious combinations, has been, in a great measure, restored to its authentic source, the great body of the people. That abolition, and that restoration, have dissolved the union between personal interest and political subserviency. The people rising in the majesty of their power above the debasing trammels of names, and the obnoxious dictations of combinations, have sustained and vindicated a system of disenthralled and independent suffrage."

What honest and patriotic citizen could fail of being impressed with the importance and truth of these allegations?

The only appointments which the governor was authorized to make on his own motion, were his military aids and the adjutant general. Mr. Clinton selected for his aids, S. De Witt Bloodgood and William Patterson Van Rensselaer, (son of the patroon,) of Albany, and Henry Livingston of Columbia; and Mr. Fuller having resigned the office of adjutant general, Mr. C. G. Haines was appointed his successor. These were all judicious appointments.

The following is the result of the votes of the electoral colleges for president and vice-president, as appeared from the canvass made at Washington:

President.		*Vice-President.*	
Gen. Jackson,.....	99	Mr. Calhoun,.....	182
Mr. Adams,.....	84	Mr. Sanford,.....	30
Mr. Crawford,.....	41	Mr. Macon,.....	24
Mr. Clay,.....	37	Gen. Jackson,.....	13
	——	Mr. Van Buren,....	9
	261	Mr. Clay,.....	2
		Blank,.....	1
			261



From this, it will be seen, as I have before stated, that had Mr. Clay received the five votes in the state of New-York, which were given to Mr. Crawford, he would have been the candidate in the house of representatives in lieu of Mr. Crawford, and in all human probability, would have been elected president. This, in substance, Mr. Van Buren must have foreseen before the choice of electors in New-York. He must too, have been aware, from Mr. Crawford's state of health, he having recently been the subject of a paralytic attack, that, independent of all other obstacles, he could not be elected—and every body knows Mr. Van Buren then had insuperable objections to Gen. Jackson; how is his conduct to be accounted for? Did he really prefer Mr. Adams to Mr. Clay? What I shall shortly hereafter state, induces me to think that he did. He may have thought that an administration conducted by Mr. Adams could be easier broken down than one managed entirely by Mr. Clay.

When the electoral vote was announced, and it was known that Gen. Jackson had a plurality of votes, considering that there were nine western states, all of which, it was believed, would cast their votes for him, the only supposed doubtful state, (Kentucky,) having instructed their representatives in congress to vote for him, Mr. Clinton, and indeed the public in general, were of opinion that Jackson would be chosen the next president.

It has been conjectured that in case Gen. Jackson had been elected president, Mr. Clinton expected to be, and would have been, appointed secretary of state. This is an error. From the partiality known to have been entertained by Gen. Jackson for Gov. Clinton, it is by no means improbable the former would have offered the latter that appointment; but, I know the fact, that Mr. Clinton would not have accepted it. In the latter part of December, I went to Washington as the agent of the state, to

settle its account with the general government. Before I left Albany, I had, by special appointment, an interview with Gov. Clinton, at which he stated to me that he had not the least doubt but that Jackson would be elected, and he instructed me to say to him, that he wished him to form his cabinet without any personal reference to him, (Mr. C.) that he could not accept of any appointment which would render it necessary for him to leave the state of New-York, and that the only solicitude he felt was, that Gen. Jackson should so form his cabinet as would secure prosperity and success to his administration.

Independent of Mr. Clinton's partiality, (might I not say passion?) for the office of governor of the state of New-York, he was constitutionally as much indisposed, as, in my judgment, he was ill calculated to act a subordinate part to any man. He would be first, or nothing Without imputing to him evil propensities, or believing that he would indulge them, I may say that the celebrated quotation from Milton, which he applied to certain federalists, was especially applicable to himself. At any rate, although it would be uncharitable to say he would consent "to reign in hell," speaking figuratively, he would never willingly have agreed "to serve in heaven."

It is hardly necessary to add that the election in the United States house of representatives, resulted in the choice of Mr. Adams, through the exertions and influence of Mr. Clay. There was no man in the United States, or perhaps in the world, whose personal address gave him so absolute a control over the human heart as Henry Clay. Having a long time been a member of the house of representatives, and for many sessions the presiding officer of that assembly, he was well acquainted with the interests of every section of the union, and with the views, wishes, principles and prejudices of every individual member, and no man knew better than he how to turn those interests

and prejudices to a good account. Several days before the election, twelve states were known to be committed for Mr. Adams. To effect his election, required the votes of thirteen states. From the state of New-York, there were thirty-four members; seventeen of the thirty-four were for Mr. Adams, sixteen were avowedly opposed to him and one was doubtful and uncertain. That one was Stephen Van Rensselaer. Mr. Van Buren and Mr. Forsyth, and indeed the whole Crawford party, were extremely anxious to prevent a choice on the first ballot. A most powerful pressure from Albany was brought to bear on the patroon to induce him to vote for Jackson. Some of his best friends, among whom were Mr. Clinton and his most favorite relative, urged him on this subject, with the most anxious solicitude. Their efforts were seconded at Washington by all the address and skill of Mr. Van Buren. Had their efforts been successful, and of course no choice been made on the first balloting, I have it from the best authority, that Mr. Van Buren and his most immediate friends of the Crawford party meant, at the next balloting to have given Adams the election. They wished to have had it in their power to have said to Mr. Adams, "your friends and Mr. Clay's, cannot make you president—WE give you the office." Such a state of things, Mr. Clay wished, if possible, to prevent. Had this plan succeeded, (and it all but succeeded, for Gen. Van Rensselaer had not decided on his course when he arrived in the chamber of the house of representatives, on the morning of the election,) what a mighty difference it would have made in the political fortunes of the politicians in the United States? Mr. Van Buren, Mr. Forsyth, and Mr. Calhoun, will bear me out in saying, that in such an event Gen. Jackson would never have been president of the United States. But this is wandering into the wild field of imagination and conjecture. [Note C.]

The following is given in the National Intelligencer, as the vote of New-York, for president:

"*For Adams*—Messrs. Adams, Cady, Hayden, Herkimer, Lawrence, Marvin, Martindale, Rose, Sharpe, Storrs, Strong, Taylor, Tracy, Van Wyck, Van Rensselaer, Williams, Wood, Woods.

"*For Crawford*—Messrs. Cambreleng, Clark, Collins, Day, Dwinell, Eaton, Foote, Frost, Hogeboom, Jenkins, Litchfield, Richards, Ten Eyck, Tyson.

"*For Jackson*—Messrs. Craig and Morgan."

The term of service of Mr. Rufus King in the senate of the United States, expired this year, on the 4th of March, and he, in the early part of the session, addressed a communication to the legislature, declining, in consequence of advanced age and a desire to retire from public life, to be a candidate for re-election.

The public, or rather that portion of the public which had supported the election of Clinton and Tallmadge, turned their attention to the late Chief Justice Spencer, as the most suitable person to be elected as the successor of Mr. King. His long experience, his age and eminent talents, seemed to designate him, above all others, as the most prominent and fit man to be selected for that important service; and he was accordingly nominated, by a large majority of the friends of the state administration, in the legislature. But some of the most distinguished members of the senate, who belonged to the people's party, protested against this nomination, and early manifested a determination to oppose it. The remnant of the seventeen senators who had resisted the passage of the electoral law, were of course opposed to Judge Spencer. They, therefore, with great good will, united with Messrs. Ogden, Burrows, Gardner, &c., to defeat the election of Judge Spencer. Gen. Tallmadge also cordially joined with them, and it is very probable, from what afterwards tran-



spired, that he entertained an expectation of being himself elected. Judge Spencer had, from the year 1818, down to the time when his nomination to the office of chief justice, by Gov. Yates, was rejected by the senate, been the subject of severe and unremitted attacks of the democratic party. In these attacks, Mr. Ogden and the other gentlemen whom I have named, had their full share. The judge, too, was a brother-in-law of De Witt Clinton, and an act of discourtesy to him was almost as gratifying to their feelings as if the same act could have been done in relation to Clinton himself. It is impossible to witness the development of these feelings with approbation. They had, it is true, differed with Judge Spencer, but those points of difference now ceased to exist. On all questions of principle they were perfectly united. True magnanimity would have prompted them to have seized with avidity an opportunity of manifesting their regard for an eminent man, of acknowledged integrity, who had been long in political life, and of giving him, as it were, this parting token of respect and kindness. But the people's party, so far from entertaining these views, or being governed by them, joined with the Crawford party, who, together, devised a most extraordinary scheme for preventing the appointment of Judge Spencer, notwithstanding they well knew that a majority of the members of the legislature were in his favor.

On the first day of February, which was the day fixed by law for the election of a senator of the United States, the assembly, by a vote of seventy-seven to forty-five, nominated Ambrose Spencer for senator of the United States, and the senate made a pretence of an attempt to nominate, which resulted as follows:

Mr.	Bowman	nominated	H. Seymour,
"	Brayton	do.	A. Spencer,
"	Burrows	do.	H. Wheaton,
"	Burt	do	J. Tallmadge,

Mr. Clark	nominated	A. Spencer,	
" Colden	do.	A. Spencer,	
" Cramer	do.	A. Spencer,	
" Crary	do.	A. Spencer,	
" Dudley	do.	E. P. Livingston,	
" Earll	do.	V. Birdseye,	
" Ellsworth	do.	S. Young,	
" Gardiner	do.	J. W. Taylor,	
" Greenly	do.	S. Beardsley,	
" Haight	do.	S. Young,	
" Keyes	do.	H. Huntington,	
" Lake	do.	S. Suydam,	
" Lefferts	do.	J. T. Irving,	
" Lynde	do.	J. Tallmadge,	
" Mallory	do.	E. P. Livingston,	
" McCall	do.	I. Wilson,	
" McIntyre	do.	A. Spencer,	
" McMichael	do.	A. Spencer,	
" Morgan	do.	A. Spencer,	
" Ogden	do.	J. W. Taylor,	
" Redfield	do.	D. E. Evans,	
" Spencer	do.	A. Spencer,	
" Thorn	do.	J. C. Yates,	
" Ward	do.	W. Paulding, Jr.,	
" Wilkeson	do.	A. Spencer,	
" Wooster	do.	R. Crane,	
" Wright	do.	V. Birdseye,	

"Mr. Wilkeson then offered a resolution declaring Ambrose Spencer the candidate duly nominated on the part of the senate.

"The resolution was lost—ayes eleven, noes twenty.

"Mr. Wilkeson then offered a similar resolution, that James Tallmadge be the candidate of the senate.

"Mr. Redfield moved that the resolution lie on the table. Carried, ayes nineteen, noes twelve.



"Mr. Wilkeson offered another resolution that Samuel Young be declared nominated by the senate.

"Mr. Wright moved that the resolution lie on the table. Carried, twenty to eleven.

"A message was received from the assembly stating that they would forthwith meet the senate in the assembly chamber to compare nominations with the senate.

"Mr. Wilkeson then moved that the senate again proceed to openly nominate a United States senator—Carried—and the result was the same as above, except [Mr. Burt voted for A. Spencer, Mr. Colden for J. Tallmadge, Mr. Cramer for J. Tallmadge, Mr. Redfield for J. C. Yates, Mr. Spencer for J. Tallmadge.]

"Mr. Wilkeson then offered a resolution nominating John W. Taylor on the part of the senate. Lost, twenty-two to nine."

The senate then adjourned.

By law and usage, and by the constitution of the United States, which each individual who voted on this occasion had sworn to support, the senate, as one branch of the legislature, were bound to make a nomination of a senator of the United States. How could they discharge themselves from their solemn obligations to their constituents, confirmed by their oaths? It is in vain for them to say that they could not agree on a candidate. Every one knows they *would* not so agree. Why, at that moment, the religion of the politics of a majority of the senate was, that a caucus nomination for all the principal officers was to be made, and that such nomination should be supported by all honorable men.—"A caucus, and support the caucus," was an axiom with them never to be violated without loss of caste. In this very case, they had undoubtedly caucussed, and had then solemnly agreed *not to agree* on the nomination of any man. Would it not have been more in accordance with the spirit of this transaction,

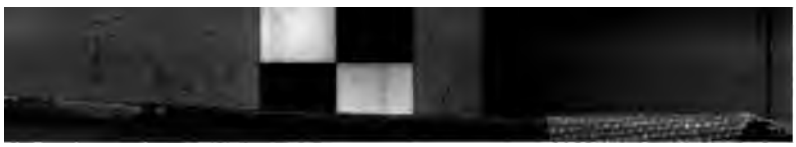
if, on the morning of the 1st of February, a resolution had been moved in the senate and adopted, in the following words?

"Whereas, according to the laws and usages of this state, it is the right and the *duty* of the majority of the members of this legislature to appoint a senator of the United States; and whereas by law that appointment ought this day to be made; and whereas, if the senate shall, in conformiy with such usage, and in obedience to such laws proceed to nominate such senator, Ambrose Spencer will be elected by a majority of said members to said office, and whereas, the senate being but one branch of the law making power, can not repeal such law; therefore, for the purpose of preventing the carrying into effect the will of said majority,

"*Resolved*, That this senate will make *no nomination* of a senator of the United States."

Had such a resolution been adopted, who will doubt but that every member of the majority who voted for it would have been liable to impeachment, indictment and punishment for a wilful violation of duty?

The assembly contained several men of talents, among whom were John W. Hurlbert, from Cayuga, formerly a member of congress of considerable standnig from Massachusetts; Samuel J. Wilkin, from Orange county; Ambrose L. Jordan, from Columbia; Samuel Stevens, from Washington; Mr. Cunningham, from Montgomery; and Thurlow Weed, the present state printer, from Monroe, who, though not distinguished on the floor of the house, was nevertheless an active, energetic member. But on this occasion they did not act with that spirit which the exigency demanded. Would they not have been justified if they had refused to act on the next bill or resolution which should have been sent to them from the senate,



assigning for a reason the refusal of the senate to perform their duty in the choice of a senator of the United States?

There was among the opponents of the Crawford party in the assembly, a want of unity of action, and what is called party discipline, which prevented efficient action in this matter. Among the circumstances which prevented a cordial unanimity on this question, may be mentioned the influence of General Tallmadge, which, there can be no doubt, tended to produce dissensions; and I regret to mention that I have good reasons to believe that Albert H. Tracy, then a member of congress from Buffalo, elected by the Clintonian party, had been, by some of the opponents of Judge Spencer, induced to entertain expectations that if the judge was defeated he would be chosen. It is, therefore, not improbable that some of his personal friends* may have aided in throwing obstacles in the way of the election of the chief justice. To these causes of the absence of that union necessary for action on strong measures, may be added another, which is, that there was a great number of applications for bank charters before the assembly, in which the members took a deep interest, and which hampered them in their movements, even on political questions.

Some of the people's men, who were ardent in the support of the administration of Mr. Adams, professed their apprehensions that Judge Spencer, if elected, would be found in the opposition to that administration. To obviate this objection, Mr. St. John, a member of the assembly from Montgomery, addressed a note to the late chief justice, requesting him to state his views on that subject, to which he replied—"I have regarded Mr. Adams as an upright man, and a distinguished and highly gifted statesman, and am entirely satisfied with his election. I enter-

* Mr. Thurlow Weed was one of the members of Assembly who sought to procure the election of Mr. Tracy in preference to Judge Spencer.

tain towards him the most friendly feelings; and as a private citizen or public functionary, he shall receive from me a liberal, honorable, and faithful support." This, perhaps, was well enough, but I could wish the judge had omitted the word "*faithful*" in his answer; it conveys an idea of something like feudal subservience. This I presume he did not intend.

The senate, probably, apprehensive that it would be unsafe to hazard their standing in the public estimation, by so palpable an evasion of their duty in relation to this question, on the 25th day of February adopted a *joint* resolution, that Albert H. Tracy be chosen a senator, &c. This resolution was passed by a vote of eighteen to ten.

It will be perceived that this was setting up a claim on the part of the senate, when that house differed from the other respecting the choice of a senator, that its voice should be equal to that of the assembly.

The assembly refused to concur, on the ground that that mode of appointing a senator was contrary to an existing law of the state, which was imperative on both houses until it was repealed. The constitution of the Unites States requires, "That the senate shall be composed of two senators from each state, chosen by the legislature thereof." The law of this state, which in 1825 was in force, was substantially the same as it now is, [see 1 R. L. 162; Constitution of New-York of 1777, section 30,] to wit: That the senate and assembly *shall*, each openly nominate one person for the office of senator in congress, after which they shall immediately meet, and if they shall agree in their nominations, the person so nominated, shall be appointed to the office for which he shall be nominated; if they shall disagree, the election *shall* be made in joint ballot of the senators and members of the assembly.



sistent with my sense of duty, retire from it, until I have had an ample opportunity of evincing my gratitude and my devotion to their interests.

"I assure you, sir, that it will afford me the highest gratification, in my present situation, to aid you in your patriotic efforts, and to witness the auspicious influence of your administration on the best interests of our country.

"I have the honor to be, with perfect respect your most obedient servant,

"DE WITT CLINTON.

"The Hon. JOHN QUINCY ADAMS, Washington."

I was among the number of Mr. Clinton's friends, who thought he ought to accept, and advised him to accept this appointment. He never stood better in the state and nation than at this moment. If he should then go abroad, I believed he would escape the dreadful tornado which evidently was approaching; would afford time for political prejudices against him to subside; and would, no doubt, retain all his present friends. He would be before the nation, in the service of the nation, not in a position which could hardly, by any possibility, subject him to blame; and if at the next, or a subsequent presidential election, his friends should feel warranted in bringing him forward as a candidate for the presidency, he could not be better situated, to receive and command support, than he would be, should he accept this mission. The venerable Stephen Van Rensselaer, then at Washington, wrote him a letter, urging his acceptance; and his uniform friend, Thomas Addis Emmet, who then happened to be in attendance on the supreme court of the United States, wrote an argument and forwarded to the governor, pressing him to engage in the national service. It is not unreasonable to suppose, that his unwillingness to leave the government of New-York in the hands of General Tall-

madge, was one cause of his pertinacious refusal to be governed by the advice of his friends. But there were other causes. There were in the state, and especially in the city of New-York, a number of politicians of small calibre, who owed their political existence to the ascendancy of De Witt Clinton. This class of men knew how fatal it would be to them if Governor Clinton should go abroad. They represented to him, that Mr. Adams feared his influence in this state; and that this mission was intended as a kind of banishment. That Mr. Adams was utterly incapable of adopting any such scheme, I firmly believe; but it was nevertheless pressed with great zeal upon Mr. Clinton, and I presume had considerable effect in inducing the determination which he ultimately made.

Mr. Rufus King was soon after appointed on the mission to London.

By a reference to the governor's annual message, it will be found that he recommended, among other improvements, the construction by the state, of a road through the south-western tier of counties. The suggestion was favorably received, and meetings were held in that part of the state which would be affected by the proposed improvement, to urge the adoption of the measure.

These movements produced a meeting of delegates and citizens at the capitol in Albany, on the 25th February, which, of course, resulted in a pressing application to the legislature to provide for carrying the scheme into effect. In pursuance of this application, a law was passed for the appointment of three commissioners to explore and cause surveys to be made, of a route for a state road, from some point on the North River, to some point on Lake Erie, through the southern tier of counties.

In pursuance of a recommendation of a meeting of the friends of the road, without distinction of party, Nathaniel Pitcher, Jabez D. Hammond and George Morell were ap-



pointed by the governor and senate, state road commissioners, a day or two before the adjournment of the legislature. These particulars would not be of sufficient importance to warrant their insertion in these sketches, if, by a combination of circumstances, one of the commissioners, in consequence of having been such commissioner, had not had the executive government of the state cast upon him for about one-half of a gubernatorial term.

Very few, and indeed no important appointments were made by the governor during this session. Considering the decided majority in the senate against the governor, I do not think the senate treated him with illiberality. Indeed I think the contrary. A laudable disposition seemed on both sides to be cultivated, to preserve a good degree of courtesy between these branches of the executive government. I observe the senate confirmed without hesitation the nomination of Ebenezer Baldwin, a warm personal and political friend of the governor, as recorder of Albany.

From the language held by Gen. Tallmadge in relation to Mr. Clinton and his general course after the November election, he undoubtedly anticipated that he would be courted by the Crawford party; and he was so in relation to the movements in respect to Judge Spencer, and the choice of a senator of the United States. But the Crawford men were too wise to invest much capital in a cargo which they foresaw would produce them little if any returns. Tallmadge, without either Clinton or Van Buren and their respective friends, was comparatively nothing. Clinton, without either Tallmadge or Van Buren, had an influence and personal weight of character; and was the admitted leader of a great, numerous and powerful party. Since the election of John Quincy Adams as president, and the continued evidence of the rapidiy declining health of Mr. Crawford, Mr. Van Buren, who was determined

to oppose the Adams administration, foresaw that Gen. Jackson was the only available candidate of the Crawford party. But how could Mr. Van Buren and his friends in this state support Gen. Jackson and oppose his earliest and avowed friend, De Witt Clinton? Independent of all other considerations, there was therefore a sort of political necessity for a suspension of hostilities, at least, between Van Buren and Clinton. This state of things did not produce any material change for the present; but it was a state of things which Gen. Tallmadge could not have anticipated, and in view of which, when he discovered it, he must have perceived the foundation of his own inevitable political ruin.

Col. Charles G. Haines, the adjutant general, died on the 3rd day of July of this year.

In the latter part of May, Mr. Clinton visited Philadelphia, where he was treated with the greatest possible attention and respect. A public dinner was tendered to him by the citizens, which he accepted and attended, at which the mayor of the city presided. The toasts drunk, and the address of the mayor were highly complimentary to him as a statesman and public benefactor.

Shortly afterwards the governor, attended by Judge Conkling and several other distinguished gentlemen, visited the state of Ohio, for the purpose of viewing the public works in progress in that state, and by special invitation he extended his journey to Louisville, in the state of Kentucky, where a public dinner was tendered to and accepted by him. He and his suite were every where received with the highest demonstrations of veneration and respect. The passion for internal improvements by means of canals, had then recently taken a strong hold upon the minds of men, and Mr. Clinton was regarded as the master spirit who had excited the public mind, and indeed action in that new field of social and political enterprise.

Soon after the return of Mr. Clinton and Mr. Conkling from the west, the office of United States District Judge of the northern district of New-York, became vacant by the death of Roger Skinner, after a short illness.

I can not recur to the death of Judge Skinner without repeating that, in consequence of his being an ardent politician, he has been, as I believe, unjustly charged with being a man of persecuting and vindictive feelings. I do not believe it. I think he possessed many excellent social qualities, and a kind and good heart. Upon the decease of Judge Skinner, there immediately appeared a number of competitors for the office, among whom was William A. Duer, then a circuit judge, and now the respectable and respected president of Columbia College. But Mr. Alfred Conkling was recommended by Gov. Clinton and General Van Rensselaer, and several other highly respectable individuals. Mr. Adams, who was personally acquainted with Mr. Conkling while the latter was a member of congress, in 1822 and '23, and highly esteeming him, (as does every one else who is well acquainted with him,) and wishing to afford evidence of his respect for the recommendations and opinions of Mr. Clinton and Gen. Van Rensselaer, and also well knowing that the longer the question remained undecided, the sharper would be the competition, promptly appointed Mr. Conkling.

This appointment was complained of, especially by the bucktail Adams men, because Conkling was a Clintonian. Their newspapers generally spoke against it, and my impression is, that even the cautious editor of the New-York American denounced Mr. Adams for appointing a man to a high office, "whose principal merit consisted in his having recently accompanied Mr. Clinton on an electioneering tour for the presidency through the western states."

Perhaps it may be as well to remark here, that the high minded federalists were nearly all of them, supporters of Mr. Adams. As they were, at all times, invincibly hostile to Mr. Clinton, may not the fact that Adams, in this state, was considered the natural rival of Clinton, have predisposed the high minded gentlemen in favor of Mr. Adams?

The discontent on account of the appointment of Mr. Conkling as district judge, soon subsided, and his nomination was confirmed in the senate by nearly an unanimous vote, with the approbation of the judiciary committee, of which Mr. Van Buren was chairman.

On the 2nd day of November, the completion of the canals was celebrated. The discharge of cannon commencing at Buffalo, continued along the whole line of the canal from Lake Erie to the Hudson. An immense number of people assembled at Albany; and two canal boats, the Seneca Chief and Young Lion of the West, from Buffalo, in which were the governor, canal commissioners, the principal state officers, and distinguished citizens of Albany and from other parts of the state, descended through the lock into the Albany basin, accompanied with the acclamations of a vast crowd of exulting spectators. At the capitol, the governor and canal commissioners were addressed by Philip Hone, Esq. in behalf of a committee from the city of New-York, congratulating them on the successful termination of the great and magnificent undertaking. This was a proud day for the state of New-York, and especially to the original friends and patrons of our splendid system of internal improvements.

But while the leading friends of Gov. Clinton were exulting in the success of his favorite measure, and chaunting the praises of their chief, his opponents were actively but rather silently engaged among the people of every county in the state, alarming some with the terrors of fede-



ralism; exciting the jealousy of one class of citizens; and encouraging the hope of office and its emoluments in others, and urging all to abandon the standard of an individual, and again unite with the great republican party in the state. These appeals produced an effect which disappointed the expectation even of the leaders of the party opposed to the governor; and the friends of the state administration could scarcely believe their own eyes, when they read the accounts, which proved beyond question or cavil, that a majority of the members of the assembly elect, were of the party in opposition to Mr. Clinton and his administration. Col. Young was elected from Saratoga, and Gen. Root from Delaware county.

The following are the names of the senators elected this year:

From the First District, Joshua Smith,
" Second do., Peter R. Livingston,
" Third do., Ambrose L. Jordan,
" Fourth do., John L. Viele,
" Fifth do., Charles Stebbins,
" Sixth do., Peter Hager, 2nd,
" Seventh do., Truman Hart,
" Eighth do., Ethan B. Allen.

Messrs. Livingston, Stebbins and Hager were opposed, and the residue of the senators elected were in favor of supporting the administration of the governor.

It is proper to remark, that both at this and the next year's election, the presidential question was entirely kept out of view by Mr. Van Buren, who had inculcated on his friends on that question the duty of "*non-committalism*;" and such was the address with which the leaders managed, and the effect of party discipline, that no person on that side of the question, who interfered with the election, uttered a single word either for or against the national administration. The sole and only question was between

those who were for and those who were against Mr. Clinton. This statement may seem to contradict what I have said, that after the presidential election, the Albany Regency afforded evidence of a conciliatory disposition towards Mr. Clinton. But those who look deeply into the transactions of that day, will perceive that both statements may be, and are, true. While Mr. Van Buren desired to be on a better footing with Mr. Clinton, even politically, he still wished to strengthen himself. This he could not do in any other way than by endeavoring to increase the numbers of the old Bucktail party in the legislature and among the people ; and he probably believed, that should it become necessary to act in concert with Mr. Clinton at the next presidential election, circumstances would occur which would afford him plausible reasons for doing so. At any rate, it would not injure, and might benefit him, to increase the number of his political friends upon old party grounds.

Congress met on the first Monday of December. Of the members of the house of representatives, 193 out of 213 were present. They proceeded immediately to ballot for speaker, and on the first ballot there appeared, for Mr. John W. Taylor, of N. Y. 89 votes ; J. W. Campbell, of Ohio, 41 ; Louis McLane, of Del. 36 ; A. Stevenson, of Va. 17 ; L. Condict, of N. J. 6 ; scattering, 5.

Neither of the candidates having received the requisite number of votes to constitute an election, [97,] a second ballot was taken, which resulted as follows :—John W. Taylor, 99 ; John W. Campbell, 42 ; Louis McLane, 44 ; A. Steveson, 5 ; Scattering, 3.

Mr. Taylor having on this ballot a majority of all the votes, was declared duly elected.



CHAPTER XXXII.

FROM JANUARY 1, 1826, TO JANUARY 1, 1827

THE legislature met on the third day of January. At the usual caucus of the democratic members of the assembly on the evening preceding, Col. Young was nominated for speaker. From what took place the next morning, it is probable that Stephen Allen, a worthy and highly respectable member from the city of New-York, was supported in caucus in opposition to Mr. Young. My impression is, that the New-York members and some of the more ardent friends of the state road, advocated his nomination. He was, however, out-voted by the friends of Mr. Young. In the morning, when the house assembled, Mr. Allen having probably received an intimation that the Clintonians intended to vote for him as speaker, stated that he had been informed he was considered a candidate for speaker, and that some gentlemen had prepared ballots for him; but he was desirous to have it understood, if such was the fact, that it was without his consent. On being inquired of whether he would serve if elected, he replied that his "inclination was averse to it." The house then proceeded to a ballot, when Samuel Young had sixty-five votes—Allen fifty-four, and there were three blanks. Edward Livingston was chosen clerk by a vote of sixty-six to fifty-five. The vote on the question of speaker probably shows nearly the relative strength of parties in the house.

This assembly contained considerable talent. Of the Clintonian portion of that body, Francis Granger of Ontario, Theodore Sill of Oneida, Aaron Vanderpool, of Columbia, and Samuel S. Lush of Albany, were among

the most prominent. Mr. Granger had commenced his career in public life as a member of the last assembly, and he began now to discover those talents and that peculiar tact and address by which he was subsequently so much distinguished.*

On the other hand, Young, Root, Allen, Beardsley from Otsego, Woodcock from Tompkins, Cowles from Putnam, and Bucklin from Jefferson, were among the most talented and efficient of the democratic members. Mr. Woodcock had been a member of congress, but Beardsley, Cowles and Bucklin had never before been members of a legislative body.

The governor's message was well written, but too long, though not so faulty in that respect as most of his other messages. Among other matters urged upon the legislature, was the necessity of further improvements in our common school system; and he recommended the establishment of seminaries for the especial purpose of instructing and fitting persons to become teachers of common schools. He also repeated his recommendation in favor of the construction, at the public expense, of a state road through the south-western tier of counties. These were the only new measures which he specifically recommended. He concluded with an earnest exhortation of an "union of all heads, all hearts and all hands," in efforts to advance the interest of our common country.

Early in the session a bill provided for the election of a senator of the United States was introduced into the senate. The bill as drawn did not change the mode of proceeding in the choice as then by law established.

Mr. Ogden offered an amendment, which directed that the two houses, instead of openly nominating, should by resolution respectively appoint such person for senator as they thought proper; that they should then meet and compare resolutions, and if the resolutions agreed, the person

* The text is erroneous. This was Mr. Granger's first election.



named therein should be declared duly elected; if the two houses differed in the their resolutions, then they were to elect by joint ballot. This did not, in substance, vary the law as it then was, but even this alteration, slight as it was, was rejected by a vote of sixteen to fourteen. Mr. Wright and others, who had the preceeding winter voted for the appointment of Tallmadge and Tracy by joint resolution, now voting in the negative. Strange, that in 1825 the position was a sound one, that the senate ought to possess equal power with the assembly, in case of a disagreement as to the person who ought to be elected United States senator, and that in 1826 the same position should be wrong. I have mentioned particularly Mr. Wright as being involved in this absurdity, because he has ever since been in the public service, and has occupied, and now occupies, a distinguished and elevated standing as a man of talents and an able statesman. But in justice to him, it ought to be remarked, as I have somewhere before done, that he was then a young man, inexperienced in legislation, and that, although on the occasion to which I have referred, his conduct appears to have been disingenuous, he has, during many years of service as a senator of the United States, given proofs, not only of talent of the highest order, but, to say the least, of consistency and fearlessness as a legislator.

A feeble attempt was made, by the friends of Mr. Albert H. Tracy, in some of the western papers, again to support him as a candidate for the United States senate. But Mr. Tracy must have soon discovered that those gentlemen who manifested a disposition friendly to his election when his name could be used to aid to the defeat of Chief Justice Spencer, had no inclination to sustain him after that object had been accomplished.

Nathan Sanford, who was then chancellor, was nominated by a legislative caucus, and, after receiving that

nomination, resigned his office as chancellor; and he was thereupon immediately elected as the successor of Rufus King, by nearly an unanimous vote of both houses of the legislature.

Mr. Van Buren, and several others, leading men of the old Crawford party at Washington, had, by this time, come to the conclusion to support Gen. Jackson for the next presidency in opposition to Mr. Adams. The strong popular vote which, in despite of the efforts of the Adams, Clay and Crawford parties, the general had received at the last election, probably had much effect in inducing them to come to this conclusion. It furnished, ready formed, a large capital which the Crawford party saw they could add to their own, simply by consenting to receive it. They knew too, that the chivalric bravery of General Jackson, his brilliant success in the late war, and the many popular and fascinating points in his character, would, when supported by such a compact, disciplined association as was the Crawford party in many of the states of the Union, render this extraordinary man irresistable as a candidate before the people. If he was not a learned lawyer and civilian, he was at any rate a man of a clear discriminating mind, and if he was subject to rashness and precipitancy, they thought they could surround him with friends and advisers who would keep him within due bounds. True, the Crawford men in this state had, in 1824 and 1825, manifested the utmost horror at the least prospect of his election, and Mr. Crawford himself was known to have expressed very unfavorable opinions of him, but a better knowledge of the man, and above all, a kind of political necessity, had materially changed their views.

This determination induced Mr. Van Buren and his confidential friends at Albany, to persevere in cultivating a good understanding with Mr. Clinton. Interviews were



had between the friends of Mr. Van Buren and the governor. Suggestions were made, that if the democratic party could be brought to consent to it, no opposition candidate would be supported against Mr. Clinton at the next gubernatorial election. Mr. Benjamin Knower, the late treasurer, of whose character for discernment and sagacity I have before spoken, was the principal agent of the Crawford party in carrying on these negotiations. Nothing decisive, however, could be settled for this obvious reason. Mr. Knower, although he could stipulate for Mr. Van Buren, Comptroller Marcy, &c., could not engage for the majority of his party, among whom very strong prejudices still existed against Mr. Clinton; nor could the governor, however conscious he might be of the continued confidence and esteem of his old political friends, stipulate that they would support Gen. Jackson, at least three-fourths of whom, it was pretty well known, were inclined to sustain Mr. Adams and his administration.

While such was the situation of the prominent partizans of the day, the office of chancellor became vacant. Samuel Jones, an eminent lawyer, son of the old comptroller of the same name, was a relative (a cousin, I believe) to the present Mrs. Clinton. The governor immediately fixed upon him as the successor of Mr. Sanford, and he forthwith nominated him to the senate. Mr. Jones had been an old and uniform federalist during all the phases which political parties had assumed, for a quarter of a century past in the state of New-York. The senate, nevertheless, under the advice of Mr. Van Buren's friends, without a moment's delay, and, as I believe, without the usual formality of a reference to a committee, confirmed the nomination. This prompt acquiescence in the appointment of his friend by the Van Buren party in the senate, produced a very strong impression on the mind of Mr. Clinton.

Chief Justice Savage, and some of his personal friends, were dissatisfied with the precipitancy with which this business was conducted; and it seems to me they had ground for complaint. Heretofore it had been usual—indeed, since the organization of the government, it had been the constant practice, to appoint the chief justice chancellor whenever that office became vacant. Judge Savage would not have accepted the appointment, had it been tendered to him; but, although he was a very modest man, like most other men of that character, he was extremely sensative. He therefore felt the appointment of Mr. Jones, without previous consultation with himself, as personally offensive.

It was a defect in the character of Mr. Clinton, as a public man, that he was too apt to be regardless of the feelings of others, especially if they were political opponents. By this means, he frequently converted political adversaries into personal enemies. While such conduct was obviously injudicious, perhaps it may be viewed as an evidence of his independence and integrity; at least it obviates all possible grounds upon which to found a charge of hypocrisy against him. Still, when a public man can avoid making personal enemies without being guilty of dissimulation, he ought unquestionably to do so. In this respect, Mr. Van Buren is directly the reverse of Mr. Clinton. Through his whole life he has been careful not to afford any just cause for a political opponent to become his personal enemy,—a trait in his character which I deem highly commendable.

The appointment of Mr. Jones, so far as the character of the judiciary of the state was concerned, was an excellent one, and in all respects unexceptionable.

About the same time, Mr. Baldwin resigned the recordership of Albany, and Col. McKown, another friend of Mr. Clinton, who, it will be recollected, made the elo-



quent address on the occasion of his removal from the office of canal commissioner, was appointed in his place without opposition from the senate.

The term of office of the state officers expired this year, and in the month of February the legislature, after the usual preliminary caucuses, proceeded to make the appointments.

The secretary of state, Mr. John Van Ness Yates, was, in the year, 1834, a people's man, and he continued warmly opposed to the Crawford party. Although, like his father, the chief justice, he was possessed of fine social qualities and an exceedingly plausible exterior, he was naturally a little vindictive in his feelings. For these and other reasons, the party holding the majority in the legislature were determined on his removal; and as he was a warm friend of Mr. Adams, neither Mr. Clinton nor his friends in the legislature who were favorable to General Jackson, of whom Messrs. Colden and Viele of the senate were the most prominent, felt any very strong desire to retain him.

At the legislative caucus Mr. Flagg was nominated secretary of state. From the very active part which this gentleman had taken in opposition to the electoral law in 1826, and from his present nomination, it was evident that a majority of this legislature were determined to sustain the party who had opposed that measure, notwithstanding that opposition had been so signally rebuked by the people.

On the 14th February, the legislature proceeded to make the appointments.

In the senate Mr. Flagg received nineteen votes, and Mr. Yates eight. In the house, sixty-two votes were given to Mr. Flagg, and twenty-seven to Mr. Yates. The vote was about the same between Mr. Keyser and Doctor Barstow, for treasurer. Mr. Marcy was re-elected comp-

troller. and Samuel A. Talcot attorney general, Colonel Muir commissary general, and Simeon De Witt surveyor general, by nearly an unanimous vote.

On the first day of the session, Jasper Ward, a senator from the first district, made a communication to the senate, stating that charges had been made against him in the New-York American and Evening Post, during the recess of the senate, that "as an inducement to effect the passage of an amendment to the act incorporating the Chatham Insurance Company, and the passage of the act incorporating the Ætna Insurance Company of said city, he had been guilty of corrupt conduct as a senator of this state. The senate will know, said Mr. Ward, the importance of preserving the integrity of their own body, and how to maintain their own honor. As a member of that body, and to vindicate my own reputation from the base slanders by which it has been assailed, I consider myself also entitled to demand from them an official inquiry into the subject; and I therefore respectfully request that measures may be taken by the honorable the senate, effectually to investigate the charges alluded to, and to establish their truth or falsity."

From this bold and confident appeal, one would be led to suppose that Mr. Ward was an innocent and injured man. But the result of the investigation, which he so earnestly invited and "*demanded*," furnished another proof of the soundness of the maxim, "Let not him that putteth on his armor, boast as he who taketh it off."

Mr. Spencer moved the reference of this communication to a select committee. On the 25th February, Mr. Wright from the select committee of investigation, made a very long report, containing a great mass of testimony, and disclosing very foul and disgusting transactions. After presenting the report, Mr. Wright offered the following resolutions; but before they were read, Mr. Wright re-



marked in substance, that the committee deemed "that it came not within their province to do more than examine into the case and report a statement of facts. That had been done, and it now remained for the senate to adopt such measures as were calculated to sustain its honor, and do justice to the member charged with corruption. It was with pain that he felt compelled, from a sense of duty, to offer the resolutions he was about to submit, and in doing so, he wished to be expressly understood, that his object was to ascertain the sense of the senate as to the extent of the guilt of the gentleman implicated by the testimony."

"*Resolved*, That the conduct of Jasper Ward a senator from the first senate district, and the means used by him, in obtaining the passage, through the legislature, of the act entitled 'An act to amend the charter of the Chatham Fire Insurance Company,' and also his conduct and the means used by him, in obtaining the passage of the act entitled 'An act to incorporate the Ætna Fire Insurance company of New-York,' were a violation of his duties as a senator, affording a pernicious and dangerous example, tending to corrupt the public morals and to impair the public confidence in the integrity of the legislature; and that his conduct in these respects deserves and should receive severe reprehension:

"*Resolved*, therefore, That the said Jasper Ward, senator as aforesaid, be, and he is hereby expelled the senate."

From the testimony as reported, there is not the least doubt but that these resolutions would have passed, and Mr. Ward would have been expelled; but on the first day of March, he resigned his seat in the senate, and further proceedings against him were suspended. This act of Mr. Ward, which, in the view of all impartial men, amounted to an admission of his guilt, was but a sorry com-

ment upon his confident assertion of his innocence, and his challenge of an investigation at the commencement of the session.

It seems to me, that in all cases where there is reasonable ground to suspect that an act of incorporation, granting extensive privileges, has been passed by corrupt means or false representations, the attorney general ought forthwith to institute legal proceedings against such companies, with a view that the proper judicial tribunals should declare such acts of incorporation void. Charters are put on the footing of contracts, and the public, through their representatives, being considered as one party, and the individuals composing the corporation another; it has been very properly held, that the legislature being one of the parties to a contract, could not, by their sole act, annul it. But contracts between individuals, when effected by corrupt means, or even by false representations, are void at common law. Ought not charters to be placed on the same footing? It may be said, that in all the charters recently granted, a power to repeal is reserved; but it ought not to be forgotten that the same corrupt and fraudulent means which have been used in procuring charters, may be used to prevent their repeal.

On the 4th of February Mr. Spencer, from the committee on literature, made a very able report to the senate on that part of the governor's message which related to common schools, and brought in a bill to increase the common school fund, to promote the education of teachers, and to regulate their appointment, but no effectual action was had upon the report during the session.

Resolutions recommending an amendment to the constitution, with a view to the extension of the right of suffrage, and directing the election of justices of the peace by the people of the respective towns, in pursuance of the suggestions in the governor's message, were intro-



duced and passed by both houses. In the assembly these resolutions were zealously opposed by Gen. Root, who consistent with the course he had pursued in the convention in 1821, presented substantially the same arguments to the assembly which he had urged in the convention. He was however, on this occasion, abandoned by Col. Young and all his other old friends, who in the convention had supported the principles which he then as now advocated. The resolution for the election of justices passed by one hundred and seven ayes, to four noes.

It was early in the session ascertained that a most formidable opposition existed in both houses to the project of making the state road; and the friends of the measure being apprehensive that when the commissioners should as by law they were required to do, report the route which in their judgment, ought to be preferred, that opposition would be so much increased that the measure would, in all human probability, be defeated; the joint committee therefore, a majority of whom were in favor of the road, after obtaining from the commissioners a communication showing the practicability of the scheme, and an estimate of the probable expense, and before they had reported to the legislature, reported a bill providing for the construction of the road and making the necessary appropriation of money to defray the expense of such construction. The bill was brought into the assembly, but after considerable discussion in that house, it was ascertained that a majority of the members would not act on the question until the commissioners should make their final report to the legislature.

On the 29th of March, the commissioners reported. Two great routes, called the northern and southern, were respectively urged on the commissioners. Both routes would commence at one point on Lake Erie, in the county of Chautauque, and lead to Bath, in the county of Steu-

ben, but from Bath the north route led to Ithaca, and from thence of Catskill, in the county of Greene; while the southern route proceeded from Bath to Painted Post; thence along the Chemung river to New Town; from thence to Binghamton, and thence through the counties of Delaware, Sullivan and Orange, to the Hudson river at Nyack, in the county of Rockland. The commissioners preferred the northern route and "they recommend that it be located from Bath to the head of Seneca lake—from the head of Seneca to the village of Ithaca—thence to the village of Unadilla, in the county of Otsego—thence by the way of Delhi, in the county of Delaware, to the village of Madison, and from thence to the Hudson river, either at the village of Athens or Catskill, as shall be deemed most expedient by the person or persons who may by law be authorized to lay out the road."

By the act under which the commissioners were appointed, it was expressly made their duty to designate what in their judgment would be the best route for a road from Lake Erie to the Hudson river; they therefore made this recommendation in pursuance of the peremptory directions of the act. "Here," say the commissioners, "in strict conformity to the terms of the act of the 20th April last, the remarks of the commissioners ought to close; but entertaining as they do, an opinion that the plan of constructing one line of road from the Hudson to Lake Erie, is not the best mode of applying the resources of the state to the improvement of the country between the Erie canal and the Pennsylvania line, they beg leave most respectfully to suggest a plan of improvement, in their judgment better adapted to the accomplishment of the object intended to be attained, and more commensurate with the wants and wishes of the great mass of population included in the territory south of the line of the Erie canal.



"That one continuous route will not be commensurate with the necessities of this great section of the state, is most evident; for should the most northern route be fixed upon by legislative enactment, the citizens residing in the southern part of Delaware county, and in the valleys of the Susquehannah and Chemung, must of necessity *approach* it by travelling at nearly right angles, an average distance of forty miles: and should the southern route alone be adopted, the citizens upon the northern location would be subjected to the like inconvenience; while the peculiar formation of the country is such as not to admit of an intermediate route between the northern and southern locations.

"Notwithstanding the palpable necessity of opening a communication from the junction of east and west Delaware, at Shohocken, to the Hudson river, it is an indisputable fact, that such is the sterility of the country, and the poverty of the inhabitants along the banks of the Delaware, that many years must elapse before any hope can be entertained that such communication will be opened, unless effected by the state. On the other hand it is to be remarked, that there is at present no communication from the head of Seneca lake to Bath, a communication highly important to that section of the state, and that this cannot be effected without aid from the public treasury. The commissioners therefore recommend, that instead of constructing one continuous line of road from the Hudson river to Lake Erie, a road be constructed from the head of the west branch of the Delaware, in Delaware county, through Unadilla, Ithaca, and the head of Seneca lake to Bath, and from Bath through Angelica and Ellicottville, to the town of Gerry, in the county of Chautauque. From this place a road can and will, no doubt, be made by private enterprise, to Dunkirk, and to Portland by the way of Mayville. That from Bath to Russell's tavern, four

miles east of Binghamton, on the southern route, a most excellent road can be made at very small expense. Little more need be expended than will be necessary to widen the narrows mentioned in statement D.

"From Russell's, a road should be constructed along the route described in statement D., either to William Gray's, in Liberty, in the county of Sullivan, or to the Lackawaxen canal, at Wawarsing, or at some other point south of that place. From the statement D, and the profile with which it is accompanied, it will be perceived, that one of the easiest and best roads in the nation can be constructed along the banks of the Beaver-Kill and Willewemock. At the Lackawaxen canal, or at Liberty, this branch of the state road should terminate.

"The northern route, as has been remarked, should be worked at the expense of the state, from Bath to the head of the west branch of the Delaware, in the county of Delaware. Near this place, the Durham and Windham turnpike intersect, and with a little improvement, may be made excellent roads, and highly profitable to the stockholders. A diagram herewith submitted, marked, A, A, presenting in one view the whole of the routes surveyed, will enable the legislature to perceive how fully this plan, if executed, would satisfy the reasonable expectations of every portion of the inhabitants of that part of the state lying between the Hudson river and Lake Erie, and Pennsylvania line and the Erie canal."

The commissioners estimated the expense of making the road at two thousand dollars per mile, which, supposing the line of road to be four hundred miles, would have required an expenditure of less than a million of dollars. But as well the project of a continuous route contemplated by the act of 1825, as that recommended by the commissioners, met with an able and zealous opposition from the members representing the counties bordering on the Erie

and Champlain canals. The Speaker, Col. Young, Mr. Granger, and Mr. Sill of Oneida county, men of talents and great personal influence, exerted all their energies to defeat the bill. On the other hand, it was sustained by Messrs. Root, Vanderpoel, Cruger and Woodcock, with equal zeal and address. Nothing like political prejudice or partiality mingled in this contest. There *is*, however, in this state, a party which has long existed, which for many years has controlled all its great financial measures, and which, for aught I can perceive, is likely to hold, and perhaps increase its power, which on this occasion exerted all its influence—I mean THE ERIE CANAL PARTY.

An attentive observer will have seen that whether federalists or democrats, bucktails or Clintonians, anti-masons or loco focos, if they were from the counties bordering on the Erie canal, they were always found together on all questions in relation to any considerable expenditure of public money, on all commercial questions, and on all questions affecting the financial concerns of the state. This formidable party, led by such able and talented men as Young, Granger and Sill, finally defeated the state road project. Whether this project was wise, must be admitted questionable; but to me it is very certain, that had the road been made, the southern railroad project would not have been adopted, and the complaints of the inhabitants of the southern tier of counties would have been removed. They would have been not only fully satisfied—they would have been grateful for the bounty of the state.

I cannot say that I was ever in favor of the measure in the abstract. My opinion on the subject of internal improvements by the state, subsequent to the completion of the grand canals, will be frankly given when the propriety of constructing the Chenango canal shall be consid-

ered. My business as a commissioner was, not to decide *whether* the road ought to be made, but *where* it ought to be made. But to those who entertain a different opinion from me on that subject, and especially to the inhabitants of the southern tier of counties, I would submit the following questions :—Would not a good McAdamized road from Lake Erie to the Genesee Valley canal ; from the Genesee Valley canal to the Chemung canal ; from thence to the Chenango canal ; from thence northerly to Potter's Hollow, where it would intersect the Catskill railroad, and also southerly along the Beaver-Kill through Sullivan county, to the Ulster and Delaware canal ; and from some point on that canal to Goshen, in the county of Orange, where it would intersect the railroad now completed to that place, have contributed more to the convenience and wealth of those secluded counties, than the great southern railroad, even suppose it was completed at an expense of twelve millions of dollars ? The improvement, by a McAdamized road, which I have suggested, might have been made at an expense of two millions of dollars. Had the plan I have proposed been adopted, how many flourishing villages would have sprung up in that region of country, which now (probably,) never will exist ?

The bill for constructing the state road was finally indefinitely postponed, by the close vote of fifty to forty-eight. To show that sectional feelings operated upon the voters, on both sides of this question, I give the ayes and noes, and the counties in which they respectively resided :

Ayes—Messrs. Adriance, Dutchess ; Akin, Dutchess ; Betts, Onondaga ; Boughton, Ontario ; Bovee, Montgomery ; Bucklin, Jefferson ; Burnham, Cayuga ; Churchill, Genesee ; Cleland, Herkimer ; Cole, Washington ; Cooper, New-York ; Cowles, Putnam ; Dibble, Madison ; Dibble, Saratoga ; Diefendorff, Montgomery ; Doty, St. Lawrence; Eldredge, Schoharie ; Ferris, Cayuga ; Filley, Rensselaer;



French, Montgomery; Grant, Orleans; Hascall, Franklin; Hendricks, Seneca; Hull, Oneida; Jewett, Onondaga; Lacey, Monroe; Lawrence, Dutchess; J. Lynde, Cortland; T. Lynde, Chenango; Miller, Lewis; Moore, Suffolk; Orvis, Jefferson; Sanders, Schenectady; Schuyler, Herkimer; Daniel Scott, Seneca; David Scott, Genesee; J. H. Smith, Westchester; W. Smith, Essex; Speaker, Saratoga; Stevenson, Washington; Stoddard, Oneida; A. Ten Eyck, Albany; Townsend, Delaware; Van Horn, Montgomery; Waldo, Cayuga; Whipple, Albany; Wiley, Westchester; Willard, Onondaga; Williamson, Suffolk; Woods, Washington—fifty.

Noes—Messrs. Allen, New-York; Baldwin, Tioga; Barnes, Oneida; Beardsley, Otsego; Benson, Tompkins; Brasher, New-York; Bruyn, Ulster; Camp, Tioga; Clark, Oneida; Collins, Rensselaer; Crary, Sullivan; Donnelly, Cortland; Faulkner, Livingston; Fitch, Otsego; Foote, Chautauque; Forbes, Onondaga; Fox, Warren; Granger, Ontario; J. Hall, New-York; Heacock, Erie; Huntington, Madison; E. W. King, New-York; W. King, Niagara; Kip, Wayne; Lounsbury, Ulster; Lush, Albany; M'Farlan, Orange; Minard, New-York; Monell, Chenango; Pierce, Rensselaer; Pitts, Ontario; J. E. Robinson, New-York; P. Robinson, Broome; Root, Delaware; Seofield, Weschester; Seamen, Greene; A. Smith, Yates; Spencer Livingston; Stanton, Genesse; Strevel, Columbia; Suffren, Rockland; Tripp, Otsego; Vanderpool, Columbia; Wheeler, Steuben; G. Williams, Allegany; M. Williams, Washington; Woodcock, Tompkins; Woodward, Orange— forty-eight.

The following members were absent:

Messrs. Benedict, Saratoga; Cruger, Steuben; Dennis, Cayuga; Elmore, Ulster; Fellows, Monroe; Fisk, Clinton; Furman, Kings; Gelston, New-York; Groesbeck, Rensselaer; A. Hall, Wayne; Hayes, Otsego; Hill, Ca-

lumbia; Hoffman, Orange; Jones, Queens; Mathews, Monroe; Mattice, Schoharie; M'Glashan, Cattaraugus; Porter, Greene; Schultz, Orange; Sherman, New-York; Sill, Oneida; J. Ten Eyck, Madison; Thompson, New-York; Tracy, Chenango; Treadwell, Queens; Varney, Herkimer; Wardwell, Jefferson; H. Williams, Oswego—twenty-eight.

Of the twenty-eight members who were absent, thirteen were in favor of the road. Upon a review of the above statement it will be perceived, that of the fifty who voted in favor of an indefinite postponement of the bill, all but ten of them represented counties bordering on either the northern or Erie canal.

William B. Rochester, circuit judge of the eighth district, resigned his office in consequence of being appointed minister on the part of the United States to the congress of Panama.

The vacancy caused by this resignation occasioned considerable negotiation and a serious struggle between the governor and the Van Buren or Crawford party in the senate.

Heman J. Redfield, late a senator from the eighth district, had been one of the seventeen by whose vote the passage of an electoral law in 1824 had been defeated. That vote had rendered him extremely unpopular in his district and prostrated all expectation of his being continued in public life by the suffrages of a majority of the people. The regency considering that he had sacrificed his popularity by an act done in pursurance of their advice and from a principle of fidelity to his party, were extremely anxious to provide for him by means of the appointing power. By the bye, it was an invarible rule with Van Buren and his party never, if it could possibly be prevented, to permit a political friend to suffer in consequence of adherence to them. This rule seems to me



not only founded in good policy but perfectly just. Mr. Redfield, though by no means a man of brilliant talents, was a man of unexceptionable private reputation and amiable in his deportment and character. There could therefore be no personal objection against him. On him the regency fixed as their candidate for a successor to Judge Rochester. They probably urged his nomination upon the governor, for the reason among others, that they wished to lay the foundation of bringing a majority of their friends into his support for governor at the next election; that in effecting this, it was manifest they had to encounter the most obstinate prejudices; that if he would nominate Redfield, such an act would afford a proof of his liberality and good feeling towards their party, as would, in all probability, dissipate those prejudices, which it now seemed so difficult to overcome; and they might also have reminded him, that putting it on the ground that he held an attitude politically hostile to the senate, it was reasonable that he should nominate a portion of the principal officers from their ranks. They also might have called to his recollection the conduct of the senate on the nomination of Mr. Jones. The governor, I have many reasons for believing, was desirous to gratify their wishes; but there were obstacles in the way of his taking that course, which, to him, appeared insuperable. His supposed hostility to the course taken by Mr. Redfield, in common with the corps of seventeen senators, was beyond all doubt the cause of his own election as governor. Having obtained his election upon that ground, could he now officially approve of the conduct of one of the seventeen? Again, the eighth district was his stronghold. In that district, was contained the great strength personally and politically of Governor Clinton. He knew that the appointment of Mr. Redfield would mortify and displease nearly every friend he possessed in that region;

and he might have urged to the regency party, that if they really desired him as their candidate for governor, nothing could be more injurious to them as a party than such a measure; for it would put it out of Mr. C.'s power to carry any considerable number of his friends to the new Jackson party, which it was in contemplation to form. This view was not satisfactory to the regency; and for the purpose of gaining time, and probably for the purpose of paving the way for the appointment of Mr. Redfield, Albert H. Tracy was nominated by the governor for the office of judge of the eighth circuit, and his nomination was concurred in by the senate. This nomination was made by the governor and confirmed by the senate, when both parties entertained reasonable expectations that he would decline the office. These expectations were realized. Mr. Tracy soon after declined. The governor then, instead of nominating Redfield, as probably many of the senators hoped and believed he would do, nominated Moses Hayden, a member of congress, from one of the western congressional districts, whose nomination the senate promptly rejected. This nomination was followed by the nomination by the governor, and rejection by the senate, of Ashley Sampson, a respectable lawyer of Rochester. Nothing further was done until about the last day of the session, when the governor nominated John Birdsall, in which nomination the senate concurred. Mr. Birdsall was a moderate Clintonian. This affair finally terminated without producing any bad feeling between the governor and senate. I know that the governor became convinced that, however deserving a man Redfield might be, his nomination would be fatal to the governor's standing with his old friends; and it is probable that that exceedingly judicious man, Mr. Knower, who, principally in behalf of the regency, communicated with Mr. Clinton in relation to this matter, arrived at the same conclusion,



and therefore ceased to press it, or rather endeavored to reconcile and quiet the feelings of the friends of Mr. Redfield as he best could. Before the adjournment of the legislature, each party held legislative caucuses, and each of them recommended a state convention, to nominate a governor; the Clintonians appointed their convention at Utica on the 21st September; and the democratic party appointed theirs at Herkimer on the first Wednesday in October. This was the first time the democratic party in the legislature had ever yielded the right or power to nominate a governor to delegates, chosen for that special purpose by the people.

The two houses adjourned on the 18th of April.

The senate, previous to its adjournment, unanimously passed a resolution of thanks to Lt. Governor Tallmadge for the amiable and courteous manner in which he had presided over that body during the two preceeding sessions. That this complimentary vote was justly merited by Gen. Tallmadge, none who know him will doubt. All allow him a high order of talent. And perhaps there is no man in America, save one, (Henry Clay,) who, with so much grace, could blend the courtesy of a gentleman with the authority and dignity of a presiding officer in a deliberative assembly as Mr. Tallmadge. The tone of the reply of Gen. Tallmadge to the senate was melancholy and indicated a subdued and broken down spirit.

At the close of the proceedings in the assembly, according to the report of the Albany Daily Advertiser, a scene of a character somewhat singular occurred. The following is the account as given in that paper:

"On motion of Mr. Allen, the speaker left the chair, and Mr. Wood took it.

"Mr. Allen then offered a resolution tendering the thanks of the house to Samuel Young for the able and

impartial manner in which he had performed the duties of the chair during the session.

"Mr. Root said he wished the clerk would not enter the resolution as having passed unanimously.

"The question was then put on the resolution, and it carried.

"Mr. Hoffman and some others said as the resolution had passed unanimously it ought to be so entered on the journals.

"To this Mr. Root objected.

"The speaker then took the chair and addressed the house nearly as follows:

"'Gentlemen—I confess that I did not anticipate that this resolution would pass unanimously, and I am not therefore prepared to address you as I ought. I wish you a safe return to your friends and families, and may God protect you through life.'"

The Advertiser was a Clintonian paper and opposed to Col. Young and a majority of the assembly. It is therefore possible, if not probable, that this report of the proceedings may be inaccurate. For to me it seems quite unaccountable that Col. Young should excuse himself for not replying to a complimentary resolution of the assembly *because* he had anticipated such a resolution would not have passed unanimously, when in point of fact it had not passed unanimously, so distinguished a member as Gen. Root audibly objecting to it.*

That a misunderstanding in the course of the session happened between Mr. Young and Mr. Root, and that personally unkind feelings were generated between them, and so much so that Mr. Root refused, at the close of the session, to record his vote approving of the conduct of

* Since the above was written, I have examined the account of this transaction as given by the Albany Argus, and find it does not materially vary from that given in the Advertiser.



Mr. Young as speaker, I have no doubt. Possibly some expressions made by Mr. Root, after Mr. Allen had proposed his resolution, disturbed so much the equanimity of the temper of Col. Young, that at the moment he felt incapable of making a suitable response to the assembly. This may have been the true reason why he made no reply. It is very certain that after this session, Gen. Root and Col. Young never acted cordially together, either as personal or political friends.

On the 4th July, 1826, John Adams died in Massachusetts, and Thomas Jefferson, on the same day, died in Virginia. The circumstance was so extraordinary as to approach the miraculous. Both were of the committee in the Continental Congress which prepared the declaration of independence—Mr. Jefferson being the principal author of that immortal state paper—both signed that declaration; both had represented the nation in Europe; both had been president of the United States, and both died on the 4th day of July, upon the close of one-half a century after the occurrence of that stupendous event. It is difficult to account upon the doctrine of chances for this wonderful coincidence. There are indeed "more things in heaven and earth than are dreamt of in our philosophy." Public meetings, without distinction of parties, were held and eulogies were delivered in most of the cities and the principal villages in the state, upon the occasion.

On the 6th of September, William P. Van Ness, U. S. judge of the southern district of New-York, being apparently in high health, died instantaneously, probably in a fit of apoplexy. Few men in this or any other country, possessed finer intellectual powers than Judge Van Ness. Unfortunately his temper was gloomy and sometimes vindictive.

The Clintonian convention was held at Utica, on the 21st of September, and a full representation of delegates

from nearly all the counties in the state were in attendance. Gen. Pierre Van Cortlandt of Westchester county, was chosen president, and Samuel Stevens and Simon G. Throop, secretaries. Mr. Clinton was unanimously nominated for a re-election. Some difficulty was encountered in the selection of a candidate for lieut. governor. It was on all hands determined not again to nominate Mr. Tallmadge; and although when he found himself abandoned by his anti-Clintonian democratic friends, he had in the coure of the summer intimated to some of his old Clintonian associates, his willingness to be again the candidate of that party with Mr. Clinton, whom he had for the last two years so industriously opposed, not a single voice was raised in his favor. After some inquiry, it was found that Mr. Henry Huntington, an old and highly respectable citizen of Oneida, and president of the bank of Utica, who has been several times before mentioned, had very reluctantly consented to be a candidate. As soon as it was ascertained that he had yielded such consent, he was nominated with great unanimity. He was known to be an exceedingly judicious man, of great purity of character, prudent and cautious as a satesman, and liberal towards his political opponents. His nomination seemed universally acceptable, and yet he failed in his election, although Mr. Clinton succeeded, the causes of which will soon be stated.

The address issued by the convention was drawn by P. C. Van Wyck, of New-York. It was dignified, mild and conciliatory. He had been an early uniform and efficient friend of Mr. Clinton, and this was his last political service. He died the winter following, deeply and justly lamented by all who knew him. The convention separated with the most sanguine hopes of success. It was a common error of Mr. Mr. Clinton and his friends, that they seldom foresaw difficulties. They were always certain of

a triumph *until after the election.* Like the romantic son of the old Vicar of Wakefield, they had "an excellent knack at hoping."

I have stated that the Albany regency had intimated to Mr. Clinton that they did not desire to support a candate against him. In making these intimations, I have no doubt they were perfectly sincere. I have strong reasons for believing that Mr. Van Buren, Mr. Knower, Mr. Marcy, and several other gentlemen of distinction of that party, prior to the Herkimer convention, were averse to making any nomination; but a very large majority of their political friends could not be induced to accord with them in opinion. When they perceived the current so strong in favor of a nomination adverse to Mr. Clinton, they yielded to it, and in my opinion were not only excusable, but justifiable in doing so. They had never intimated to the governor or any of his friends that they should take a course contrary to the opinion of the majority of the political party to which they belonged. They therefore acted with perfect good faith towards him, when, after having failed to convince a majority of their party that it was best to support him, they still adhered in good faith to the determination of the majority of that party. They however favored the nomination of a man for governor, whom they believed to be a weak candidate. That man was Judge Rochester, who, although a well bred and accomplished gentleman, was but little known to the public, and had, in fact, never distinguished himself for any statesman-like qualities. Mr. Rochester being a western man, and rather a favorite of the delegates from the west, was nominated. Mr. Van Buren and his friends felt more interest in the selection of a candidate for lieutenant-governor. They did not expect, and perhaps I may safely say they hardly wished to succeed in electing their gubernatorial candidate, but they were extremely anxious to

maintain their ascendancy in the legislature, and the lieutenant-governor, under certain circumstances, might have a right to a vote in the senate, and at any rate his influence in that house might be of very considerable importance in relation to eventual success in their ulterior views. Mr. Huntington lived in the valley of the Erie canal. It was by means of the influence exerted by the representatives in the legislature from that valley, that the great state road project had been defeated. If, therefore, a candidate could be selected who would command the support of the friends of that measure, and at the same time receive the united vote of the disciplined democratic phalanx in other parts of the state, these sagacious politicians perceived a reasonable prospect of success; and with this view, they nominated Gen. Nathaniel Pitcher, one of the late state road commissioners.

The convention at Herkimer, which met on the fourth of October, was organized by the appointment of James L. Hogeboom for president, and David E. Evans and Edward Livingston for secretaries. The counties in the state were generally represented by delegates. Judge Rochester received 103 votes for governor, and Nathaniel Pitcher 98 for lieutenant-governor.

A short time previous to the election, discerning men perceived that the competition between the candidates would be much closer than had been anticipated. All the old prejudices against Mr. Clinton were called out and rendered active. But besides the effects which these feelings produced, another cause operated powerfully against him.

It was the intention of Mr. Van Buren to conduct this election without reference to the presidential question, which was to be decided in 1828. Mr. Rochester was a warm friend and supporter of the administration of Mr. Adams, or rather he was the personal and political friend



of Mr. Clay. The Rochester family were from the state of Maryland, and before they migrated to this state, a friendship had been formed between that family and Mr. Clay, which continued unabated; and it was through Mr. Clay's influence, who was then secretary of state, that Judge Rochester had been invested with the Panama mission. All these circumstances were well known to intelligent politicians in every part of the state, and by no man were they more clearly perceived and fully appreciated than Gen. Peter B. Porter of Black Rock, a man of great talent, address and energy, who, in 1824 belonged to the people's party, and who was and is an ardent friend and admirer of Mr. Clay. A very large portion of the Clintonians, as I have before remarked, were friendly to Mr. Adams, and Gen. Porter and other politicians similarly situated, made a strong appeal to them, urging that Mr. Clinton, being an avowed Jackson man, his election would be fatal to the prospects of Mr. Adams in this state; whereas the election of Rochester would ensure the success of the Adams party. Reflecting men felt that there was much truth in these representations, and they appreciated their importance. In reviewing the proceedings of that day, one cannot fail to be surprised, that these considerations did not have more effect than they actually did upon those Clintonians who were determined to support the re-election of Mr. Adams. There can, however, be no doubt but that these views induced many Clintonians to vote for Judge Rochester.

There was another circumstance that operated in favor of Mr. Rochester. He was a western man and the people of the west were ambitious to do what they had not yet done, give the state a governor. On the other hand, the fact that Rochester was known to be an Adams man, had very little effect upon that portion of the democratic party who were for Gen. Jackson. Generally speaking,

they were strict caucus men. Like disciplined troops, wherever their party went, they would go; and Mr. Clinton was the last man in whose favor they could be induced to break their ranks.

Mr. Van Buren and his friends, who, by this time had really, though not publicly, put all their political capital at stake against the Adams administration, became alarmed. But what could they do? Their honor as gentlemen, and their character as consistent politicians, were committed in favor of the election of Rochester, and they could not, and did not, consent to forfeit either. But it can not be doubted, that they viewed the result of the contest with painful anxiety. Had Rochester have been elected, there is every reason to believe the entire vote of this state would have been given to Mr. Adams.

Mr. Noah, editor of the New-York National Advocate or Enquirer, who had been a warm Crawford man, and an uniform opponent of Mr. Clinton, came out openly and frankly for him and Gen. Pitcher; but Mr. Croswell, of the Albany Argus, with his usual zeal, talent and address, together with the other democratic papers in the state, supported in good faith the Herkimer nomination.

It was the state road question which finally decided this election. The county of Steuben, a strong democratic county, gave Mr. Clinton more than one thousand majority. But the same reason which induced the democratic electors of the south-western tier of counties to vote against Mr. Rochester, impelled the Clintonian electors of those counties to vote for Mr. Pitcher. The result was, that Mr. Clinton was elected by a majority of three thousand six hundred and fifty votes over Judge Rochester, and Mr. Pitcher received four thousand one hundred and eighty-eight more votes than Mr. Huntington.

In the election of members of the legislature, the democratic party obtained a complete and most decisive victo-



ry. That party succeeded in the second, third, fifth, sixth, seventh and eighth senatorial districts, and in the first, where Gen. Robert Bogardus, a Clintonian, was elected, his success was undoubtedly owing to his being known to be an ardent Jackson man.

In the assembly, the democrats elected about two-thirds one.

The senators elected this year were:

From the	First	District,	Robert Bogardus,
"	Second	do.,	Benjamin Woodward,
"	Third	do.,	John McCarty,
"	Fourth	do.,	Duncan McMartin, jun.,
"	Fifth	do.,	Charles Dayan, and Truman Enos,
"	Sixt	do.,	Thomas G. Waterman,
"	Seventh	do.,	William M. Oliver, and Victory Birdseye,
"	Eighth	do.,	Charles H. Carroll.

Mr. Young, the late speaker, was not re-elected to the assembly from Saratoga.

CHAPTER XXXIII.

FROM JANUARY 1, 1827, TO JANUARY 1, 1828.

In the preceding autumn an event occurred, singular in its character, and which, in its consequences, produced a great effect, not only upon society in general, but on the political parties in the state of New-York, and in several other of the American states.

The society of free masons had existed for a long period of time in the world. Indeed, many persons claim that what are called the secrets or mysteries of masonry, existed long before the Christian era; some asserting that the substantial parts of masonry were in use among associations of the ancient Egyptians; and that most of the useful arts and sciences invented by that wonderful people, were the result of the efforts and labors of those associations. These traditions, which were carefully preserved by the modern masons, are no doubt principally founded on fiction, but it is nevertheless very probable that the society of free masons, which has in some form existed for several centuries, (in all likelihood since the crusades) was instituted in imitation of those secret societies so common among the Greeks and Romans and other ancient Pagan nations.

At this time masonic societies existed in most of the civilized nations on the globe, and branches of them were found among nations who could hardly be said to be civilized. In New-York, and in fact in America, masonry may be said to have been in its most palmy state. I hazard little in asserting that a majority of persons holding official stations in the state, were masons. Legislative, judicial and executive officers, from presidents and gov-

ernors to deputy marshals and constables; from judges of the supreme court to justices of the peace; and from the grave and reverend senator to the town meeting orator, were, it is probable, a majority of them free masons, solemnly pledged to perform the obligations and keep the secrets of masonry. It is scarcely necessary to mention that every mason, by a voluntary oath, promised not to reveal the secrets of the order, under a no less penalty than forfeiture of his life.

William Morgan, a royal arch free mason, and a printer by trade, said to be a native of Virginia, had taken up his residence in the village of Batavia, in the county of Genesee. Not having been successful in business, he, it would seem, with a view to pecuniary benefit, had determined to publish a pamphlet containing the secrets of masonry. His intention was discovered by some of his fellow masons, who communicated it to their brethren of the craft in that vicinity, and it soon became known, as appears by subsequent proceedings, to several of the lodges in western New-York.

On the 11th day of September, 1826, Mr. Cheesebrough, master of a lodge of masons at Canandaigua, in the county of Ontario, procured from Jeffrey Chipman, a justice of the peace in Canandaigua, a warrant to arrest Morgan, on a charge of stealing a shirt and cravat; and Cheesebrough, with two or three other masons, proceeded with the warrant to Batavia, where they caused Morgan to be arrested, hurried him into a coach and transported him to Canandaigua, where they brought him before Justice Chipman, who forthwith discharged him, he being satisfied that Morgan was not guilty of the larceny complained of. He was then immediately arrested on a small debt due to one Aaron Ashley, and which Cheesebrough alleged had been assigned to him. The justice rendered judgment against Morgan for two dollars, on which, upon the oath of

Cheesebrough, he instantly issued execution, and Morgan was committed to close confinement in the jail at Canandaigua. During the night of the 12th of September, he was clandestinely taken from the jail by a number of masons, thrown into a covered carriage, gagged, and conveyed on the evening of the 14th, to the Canada side of the Niagara river; and thence taken back to the American side, and left confined in the magazine of Fort Niagara. He remained there until the 29th September, in charge of Col. King of Niagara county and one Elisha Adams, at which time he disappeared and has not since been heard of.

It is not my intention, nor would it be in accordance with the plan of this history, to enter further into the details of this inhuman outrage. I assume, as a historical truth, and I regret that I am compelled to do so, that William Morgan was, with a view of preventing the disclosure of the mysteries of masonry, murdered in cold blood, by men holding a respectable rank and standing in society.

The effect which this horrible transaction had on the politics of this state, and a sketch of the history of the political party which grew out of it, will be given in another place. [See Chapter 38.]

At present I will merely remark, that Gov. Clinton was, in 1826, high priest of the General Grand Chapter of the United States, which was the highest masonic station in the United States; and that this circumstance deprived him of many votes in the part of the state where Morgan had lived, and would have deprived him of many more, had it not been well known, that Judge Rochester was also a mason, though of inferior standing in the masonic order.*

* During the excitement which succeeded the outrage upon Morgan, Gov. Clinton was charged not only with having been privy to but as Grand High Priest or Grand



The strong popular vote obtained by Mr. Rochester for governor, was claimed as evidence of his personal popularity; and as the term of service of Mr. Van Buren in the senate of the United States would expire on the 4th March, 1826, some of the Adams democrats began to hint, that Judge Rochester ought to be elected as the successor of Mr. Van Buren. One reason which induced these suggestions was, that all intelligent men by this time knew, that Mr. Van Buren had determined, at the approaching presidential election, to support Gen. Jackson. It was reasonable to suspect that Judge Rochester, as well from personal ambition as from feelings of resentment, would favor this project. I have said from feelings of resentment, because from the conduct of some of Mr. Van Buren's confidential friends in Albany, before the nomination for governor, and from the course pursued by Maj. Noah in the New-York Enquirer after that nomination. Mr. Rochester may have been suspicious that Mr. Van Buren and his confidential friends had not acted with good faith towards him during the late canvass. If Judge Rochester entertained those suspicions, (suspicions that, so far as they respect Mr. Van Buren and his friends at Albany, I have before expressed my convictions were wholly unfounded,) he was, I have no doubt, encouraged in them by his neigh-

master, with having *commanded* it to be committed or, which is the same thing, with having directed that the publication of Morgan's book should be suppressed by any means and at "*all hazards*." Even after the sudden and lamented death of Mr. Clinton, some individuals were base and cruel enough to charge that his death was caused by the goadings of a guilty conscience.

Col. WILLIAM L. STONE, in his letters on anti-Masonry, addressed to John Quincy Adams, in letter 29th, p. 297, has proved beyond all question the entire falsity of these charges, and forever put at rest these foul slanders. [See also appendix to Col. Stone's letters, note G. and H. p. 4 and 5.]

These letters are written with Mr. Stone's usual ability, and contain a full, candid and impartial history of this extraordinary transaction and the tremendous excitement which followed it. The book has not had as extensive a circulation as it merits. Perhaps its strict impartiality may not have suited the taste of masons or anti-masons, and thus the very circumstances which gives value to the work has prevented its popularity.

bor and friend, Gen. Porter, and probably by his correspondent, Mr. Clay.

A few days after the result of the election was known, Mr. Rochester left home, (his residence was then at Rochester,) for the congress at Panama. He arrived in the city of Albany in the evening, and at seven o'clock the next morning took the steamboat for New-Yotk ; and during his momentary stay in Albany seemed anxious to avoid all intercourse and conversation with his political friends, except on the most common topics. The friends of Mr. Van Buren were alarmed. They well knew if the Clintonian Adams men in the legislature should join the democratic Adams men, Rochester would be elected senator. They therefore lost no time in sounding those Clintonians who were supposed to possess influence with their party, for the purpose of ascertaining what would be the action of the Clintonians, if such an emergency should occur. And the result was that the Clintonians, under no circumstances, would consent to support Rochester. So excited were the feelings of that party against Mr. Rochester, that I have no doubt if they had been compelled to vote between Van Buren and Rochester, four out of five even of the Adams Clintonians would have voted for Van Buren. The passions called forth by the recent warmly contested election, still held a controlling influence over their judgments and induced this determination. These assurances from the leading Clintonians quieted the apprehensions of the friends of Mr. Van Buren.

The legislature convened on the 2nd day of January.

The assembly did not contain many members distinguished as orators or for parliamentary talents. A large proportion of them were however intelligent and judicious men. If they were not remarkable for oratorical powers, they had habits of industry and a good stock of useful business talent. Among the most prominent men on the

ot, of Delaware; Mosely, of On-
ucklin, of Jefferson; B. S. Doty,
of Schenectady; Hay, of War-
; Sherman, of New-York, and
n the Clintonian side were Bar-
of Washington; Sill, of Onon-
o; Fish, of Montgomery; Birds-
. Bryan of Cattaraugus, all re-
ntelligence.

speaker. He received seventy-
ger thirty-three, and there were
It was with some difficulty that

is to be appointed on a question which may involve party considerations, it may be expected that I shall appoint a majority of that committee from the party to which I belong. And on a question of local bearing, involving interests to any considerable extent, it cannot be expected that I will refer it to a committee entirely opposed to it; I am not willing to put a child to nurse to be strangled."

The declaration that he intended to act as a party speaker, was harsh and unusual. One high and important duty of a presiding officer of a legislative body is to protect the minority and secure them in the exercise of their rights. The majority having in their own hands the power, will take care of their own rights. However, the intention of Gen. Root, as explained by him, was in accordance with the practice of all presiding officers, whatever assurances they may give of rigid impartiality. The last sentence I have quoted from the address, was undoubtedly intended, by Mr. Root, as a rebuke to his predecessor (Col. Young) for his conduct the preceding session in relation to the state road.

The governor in his message congratulated the legislature on the adoption by the people of the amendments to the constitution removing all restrictions to the right of voting, except only citizenship and a residence of six months, and directing that justices of the peace should be elected by the people of the respective towns. After what I have said when speaking of the proceedings of the convention of 1821, I now only add, that this latter amendment completed the independence of the great mass of electors, and effectually relieved them from the tyranical control over public opinion by the central power. From the moment this amendment was adopted, elections have been free in the state of New-York.

The governor spoke in terms of well founded exultation of the successful operation of the canals. He in-

formed the legislature that the balance of debt due from the state for the construction of the canals, was seven million nine hundred and forty-four thousand seven hundred and seventy dollars and ninety cents; that the income arising from them the last year was seven hundred and seventy-one thousand seven hundred and eighty dollars and ten cents; and that the income arising from other funds which had been assigned for the payment of the canal debt, when added to the income from the tolls, would swell the amount to more than one million dollars. How splendid were then the financial prospects of the state!

On the subject of the payment of the canal debt, Mr. Clinton remarks—"This state has derived great reputation from its enterprise in undertaking, and its perseverance in executing, a work of immense benefit, and it ought to set another example of the extinguishment of a great public debt. This precedent will be more beneficial in itself, and more animating in all its aspects and consequences, than any fugitive or even permanent advantages that can emanate from another course." While I cordially concur in the wisdom and propriety of this suggestion, I cannot but feel surprise and regret to perceive that in this same message the governor either directly or indirectly recommended a variety of new and expensive improvements, by roads and canals, which, if the legislature had adopted them, would, instead of leading to the extinguishment of the public debt, as he urges in the passage above quoted, have added many millions to that debt.

The year 1826 had been a year of great pecuniary embarrassment, and the governor imputes that distress to the extensive issues and sudden contraction of the banks. This evil arising from improvident issues of bank paper, was not then so generally nor so well understood as at present; and I allude to the suggestion in Mr. Clinton's

message, as another evidence of his sagacity in discerning early the sources from which public calamities might be apprehended, and his promptness in warning the constituted authorities to obviate, as far as they had the power of obviating, the causes of those calamities.

The governor again recommended the making of a state road from Hudson's river to Lake Erie.

Gen. McClure, chairman of the state road committee, early in the session (12th January,) reported a bill for making the road upon the plan recommended by the late commissioners. The debate on the subject was opened on the 19th, with some asperity on both sides. Col. Young had lately published a pamphlet on political economy, in which some allusion was made to the state road project. Mr. McClure charged him with making this publication with a view to influence the legislature when acting on this question, and with availing himself of the labors of professor McVickar, without giving credit to the real author. He was answered by Mr. Mann, of Schoharie, who repelled the imputations against Col. Young with great spirit and ardor. Mr. Granger also again assailed the state road project with great spirit, address and zeal. The subject was from time to time discussed till the 13th of February, when, on a motion in committee of the whole to strike out the first section of the bill, it was carried by a vote of fifty-five to forty-five. This report was sustained in the house, sixty-four to forty-eight. By a reference to the names of the sixty-four who voted for the rejection of the bill, it will be found that fifty-five of them were from counties situate in the canal valleys.

On the 20th February, Mr. Abraham Keyser was re-elected treasurer.

In the latter part of January, a movement was made by some Clintonian-Adams members of the legislature to effect the election, to the senate of the United States, of a



friend to the national administration. In this they hoped to be joined by the democratic Adams men in the legislature. Accordingly, a caucus was called of all the friends of the national administration on the evening of the 26th, but the meeting was attended by only two democratic members. There were undoubtedly a considerable number of democratic Adams men in the two houses of the legislature, but they were extremely unwilling to come to an open breach with their party; and in behalf of Mr. Van Buren, his friends urged his superior capacity for usefulness, founded on his experience as a national legislator, and on his admitted superiority of talents; besides it was urged, that *Mr. Van Buren was not committed* (and it was true he was not *publicly* committed) *for or against either of the presidential candidates.*

At the Clintonian caucus, held on the 26th, Stephen Van Rensselaer, I presume without his knowledge, was nominated as the Adams candidate for senator of the United States. But on the 6th of February, Mr. Van Buren was re-elected by a large majority in both houses. In the senate, Messrs. Colden, Bogardus and Viele* and in the assembly Messrs. Birdsall and Bryant, all Clintonians, voted for him. This was the first public demonstration which the Clintonian Jackson men had afforded of their determination to support Van Buren.

The reply of Mr. Van Buren to the notice given him by order of the two houses of his re-election, is not a little curious. It was in the following words:

"*Washington, Feb.* 18, 1827.

"SIR: I have received the resolution of the senate appointing me a senator to represent the state in the senate of the congress of the United States, after the third of March next, and have to ask permission to communicate to the senate, through you, my acceptance of the office.

*See note D

"Relying on the indulgence of the senate, and in justice to my own feelings, I avail myself of the opportunity thus presented, to say that, having considered my first appointment as an evidence of confidence and liberality to which my public services could have given me no pretension, I cannot but regard my re-appointment, under existing circumstances, and with such gratifying unanimity, as an act of favor, demanding the expression of my utmost gratitude. I do assure the senate, that I am deeply sensible of the honor which has been conferred upon me: And to justify their confidence, it shall be my constant and zealous endeavor to protect the *remaining rights* reserved to the states by the federal constitution; *to restore those of which they have been divested by construction;* and to promote the interests and honor of our common country.

"With great respect,

"Your obedient servant,

"M. V. BUREN.

"Hon. NATHANIEL PITCHER,

"President of the senate of the state of New-York."

At the time this letter was written, one might well have inquired of Mr. Van Buren of what "rights" the states had "been divested?" When and by whom? Certainly not by Mr. Adams or his administration, for at that time, if I recollect rightly, no important measure had been adopted which had not been supported or at any rate received the assent of Mr. Van Buren. The appointment of envoys to represent the United States in the Panama congress by the president without first obtaining the consent of the national legislature, and the powers with which Mr. Adams proposed that our representative in the American convention should be clothed, had been successfully resisted by Mr. Van Buren and his friends in the senate of the United States. Mr. Adams therefore, whatever he

may have attempted, had not, in respect to that measure, "*divested*" the states of any rights. If the national government had, "*by construction divested*" the states of any rights, it must have been by chartering an United States Bank, and by other acts done during the administration of Mr. Madison and Mr. Monroe, but of both these administrations Mr. Van Buren had been an ardent supporter, and at the moment he wrote the letter in question, claimed the confidence of his political friends *because he had yielded such support.* The truth is that this assurance that he would endeavor to restore lost state rights was thrown out as a kind of manifesto of the grounds of the war which he intended to wage against the administration of Mr. Adams.

That there is danger that the general government, by means of its vast amount of patronage, its mighty resources and the personal weight of character and talent of those who administer it, may encroach on the constitutional rights and independence of the states, I think every reflecting man will admit without hesitation; while on the other hand it is obvious that the state governments will naturally possess the confidence and support of the people, they being more immediately created by the people. The states too individually possess the great mass of judicial power which has been delegated by the people—each state also has a treasury and controls its militia. The power of administering justice between man and man, in nearly all cases, is vested in the state authorities. To our own state we look for, and in our own state we find, protection of our property, our reputation and our lives. Each state therefore not only controls a purse and a sword which are properly its own, but it has a perfect and an organized government at all times prepared to resist encroachments and violations of its rights by any other power, and it may be to legalize faction. While therefore

it is admitted, on the one hand, that the tendency of the central or general government is to accumulate power by a gradual usurpation of those powers which constitutionally belong to the states; on the other, it is evident that the propensity of the state politicians will be to increase the power of the individual states at the expense of the legitimate authority of the central government. A vigilant guard against encroachments by either of the parties to this singular and anomalous compact may, like the centripetal and centrifugal motion of the heavenly bodies, tend to preserve and perpetuate the harmonious motion of our complicated political machinery. But I am digressing from the path I had marked out for myself to pursue; and yet I must be excused for adding one other remark, or rather of laying down a single proposition, without troubling the reader with the reasons on which it is founded. It is this:

If there be a defect in our national government, that defect is, that by means of its patronage, it is too strong in time of peace, and in time of war its powers are too feeble. If any man doubts the weakness of the government during war, let him look at its condition and the attitude assumed by the single state of Massachusetts during the last year of the last war with England.

Applications in the early part of the session were presented to the legislature, urging that the Genesee Valley, Crooked lake, Black river and Chenango canals should be constructed by the state. The inhabitants of the counties of Broome, Chenango, and Madison, had some time previously projected a canal from Binghamton, through the centre of those counties, which should intersect the Erie canal at Utica, and had made one or two unsuccessful efforts to induce the legislature to favor their views. At the last election, the selection of candidates in those counties had been made with reference to the accomplishment of that favorite object. Although the county of

Chenango was a strong anti-Clintonian county, their local interest so far got the better of their political principles, that they elected Mr. James Birdsall, an active, influential, and zealous Clintonian, for one of their candidates, because he was known to be a man of great perseverance, address and talent, in pushing measures of a doubtful character through the legislative assemblies. The termination of the proposed canal at Utica created a very strong interest in that city and in the county of Oneida in favor of the project. For these and other reasons it was thought best, by the applicants for other lateral canals, to make the bill for constructing the Chenango canal a pioneer bill. My own views on the subject of these applications then were, and now are, that it was unwise in the legislature to authorize these improvements at the expense and risk of the state. The great Erie and Champlain canals were completed. The whole debt of the state for those magnificent works was less than eight millions of dollars. It was then believed, what subsequent experience proved true, that in a very few years that debt would be extinguished; and that the state would be left in possession of a sure and certain annual income over and above all expenditures for repairs, &c., of more than a million of dollars. The state ought, it appears to me, then to have suspended all further expenditures for internal improvements until this period should have arrived, and then to have expended in making lateral canals, and in repairing, and perhaps doubling the locks of the Erie canal, all the surplus revenue. These improvements, if judiciously made, would have added yearly to the nett income of the state, eventually the reasonable expectations of the citizens of every section of the state would have been satisfied, and the financial condition of New-York would have been better than that of any other community on the globe. No debt should have been contracted except upon great

emergencies, and for small amounts, payable at a short day. In a case where a clear and palpable advantage would accrue, the state income might, perhaps, with propriety have been anticipated for one, two, or three years. When the income of a farmer exceeds his expenses, it may be well for him to invest the surplus in more lands; but what discreet farmer will mortgage property he has already paid for, for the purpose of borrowing money to invest in the purchase of more lands? A man of ordinary capacity cannot fail to perceive that such a course would be imprudent in an individual, even if the rents of his new purchased lands would pay the interest of the purchase money. How palpably absurd, then, would be the conduct of an individual who should borrow money to pay for an additional farm, when it was ascertained that the rent of the new, so far from paying the interest, would not even pay for managing it and keeping it in repair? The last supposed case was precisely in principle the case of the Chenango canal; and yet Mr. Granger and Mr. Sill, and many others who were so extremely alarmed for the credit of the state when the state road improvement was proposed, put in requisition all their energies in behalf of the application for the Chenango canal. Mr. Granger, in particular, with skill and address, sustained the measure. He had dismounted those who attempted to convert the state road into a hobby, while he himself dexterously bestrided the Chenango canal hobby, I hope it is not uncharitable to say, as one means of riding into power. The financial officer of the state (Comptroller Marcy) was opposed to the measure, and a majority of the canal board, of which Col. Young was an efficient and active member, concurred with him in opinion. A majority of the democratic members of the legislature were also opposed to the project. But Mr. Granger, notwithstanding this formidable opposition, and with the merits of the case, as I humbly conceive, against

him, succeeded in carrying the bill through the assembly by a vote of sixty to fifty-one. The senate, however, had the wisdom and firmness to resist the passage of the bill, and it was lost in that house by a vote of fourteen to ten.

On the 17th of April, the legislature adjourned to the second Tuesday of September. The object of this contemplated extra session was to take into consideration and pass upon the Revised Statutes, or such of them as should then be reported by the revisers.

The revisers, it will be recollected, were appointed in 1824, but the progress they had made in the work of revision had been extremely slow. Gen. Root had, for a consideration of, I believe, one thousand dollars, paid to him for his past services, resigned as one of the revisers, and Mr. Henry Wheaton had been appointed in his place; but Mr. Wheaton had been appointed by the President *charge d' affaires* at an European court, and had also resigned. The appointment of a successor devolved on the governor, and he selected JOHN C. SPENCER. The board of revisers now consisted of John Duer, Benjamin F. Butler, and John C. Spencer, all able and learned lawyers.

Never was a political party in a better state of discipline than was the Van Buren or democratic party in New-York during the years 1826, '27, and 28. A sense of common danger, which was entertained by the leaders of that party, probably had a great effect in inducing them to act in concert. A large majority of the party were opposed both to Mr. Adams and Mr. Clinton. They had no confidence either in the state or national executive. They wished to change both; but in order to effect that change, it was necessary so to conduct their political operations as to draw into their support a considerable portion of the friends of the governor, and especially of the democratic friends of Mr. Adams. I hazard little, with those who were at that day in active life, and knew the state of pub-

lic feeling, in asserting, that had the question been taken between Mr. Adams and Gen. Jackson at any time during the first two years of the presidency of the former, a very large majority of the people would have declared for Mr. Adams. Hence Mr. Van Buren and his friends enjoined most rigidly on all their adherents not to commit themselves on the presidential question. They averred that their sole object was to preserve the entire union of the democratic party, and that when that party at the proper time should announce its preference for either of the presidential candidates, they would in good faith endeavor to carry into effect its determination. The democratic newspapers (and especially the Albany Argus,) were conducted with great skill and address in accordance with this scheme. So rigidly were these injunctions of what has been called the Albany regency enforced, that several individuals, fascinated with the personal character of Gen. Jackson, who openly declared their preference for him, were at least silently rebuked and partially put in political coventry by the same class of men who had themselves at that time fully determined that Gen. Jackson was to be their candidate. These sagacious politicians foresaw that if at that early day the general was proclaimed as *the* democratic candidate, so formidable would the opposition then be, that all expectations of success, (and the expectation of success many times secure it,) would be annihilated. Therefore it was, that the regency preached and practiced the doctrine of non-committalism.

After the re-election of Mr. Van Buren to the United States senate, more freedom was tolerated in the expression of opinions favorable to Jackson and adverse to Adams. The latter gentleman was represented as strongly inclined to add to the power and dignity of the general government by a too liberal construction of the constitution. He himself was represented as cold, heartless and repul-

sive in his manners. He was made to be, and I believe in fact, continues to be, personally unpopular. On the other hand, General Jackson, independent of his military fame, was said to possess, and did in fact possess, many points in his character extremely agreeable to the mass of men. His decision of character, his apparent frankness, and the cordial manner with which he addressed all orders of men, gave him an ascendancy over the hearts of those with whom he came in contact. But that trait in his character which created a sort of enthusiastic admiration was his chivalric personal bravery, admitted to be unrivalled by enemies as well as friends. When to this trait was added his distinguished military services, which were crowned by his triumphant and splendid victory at New-Orleans, it is not surprising that, independent of all party organization and interest, he should have possessed a political capital which was exclusively his own. Notwithstanding the interest of our people is decidedly in favor of peace, and the genius and general theory of our government is pacific, I do not believe there is a nation on the globe, not excepting even the enthusiastic French, so liable to be fascinated by military glory as the people of the United States. In vain might you represent Mr. Adams as an accomplished and able writer, a learned constitutional lawyer, an experienced diplomatist and a profound statesman; and, at the same time, deny that Gen. Jackson possessed these high and essential qualifications, you would be answered that Gen. Jackson was an honest patriot of great decision of character, of sound mind, who had perilled his life for his country, and gallantly defeated the British legions at New-Orleans. This last allegation in favor of the general was decisive.

Another circumstance which contributed to strengthen the Jackson party in New-York was, that at the commencement of the administration of Mr. Munroe, General

Jackson had written to him a letter in which he expressed an opinion, that inasmuch as the points of difference between the federal and republican parties had ceased to exist, the period had arrived when the national appointing power might select its officers from that class of citizens personally the most deserving, and who were best calculated to discharge their official duties for the public benefit.

This sentiment was extremely agreeable to the federalists of this state, and highly lauded by them. From the year 1801 down to the present time, with the exception of some insignificant appointments made by Mr. Monroe and Mr. Adams, the federalists, as a party, had been, by the national executive, excluded from participation in the national patronage. Many federalists, judging from the sentiments contained in General Jackson's letter to Mr. Monroe, entertained an opinion that if the former could be placed at the head of the general government, this system, which they denominated proscription, would be abolished. Hence such eminent federalists as Chancellor Jones, Thomas J. Oakley, and many others, early declared in his favor.* This circumstance, one would think, would have alarmed, at least the rank and file men, of the democratic party; but it did not. They saw, or thought they saw, that the administration of Mr. Adams was gradually coming into the track of ancient federalism; they perceived that a large majority of their federal neighbors were zealous supporters of Mr. Adams. Although Mr. Adams made no removals, (for which cause, by the bye, he lost many friends,) they learned that he now and then appointed federalists to office, and they were assured that Mr. Van Buren, and most of their long-tried, faithful democratic leaders did not regard Mr. Adams as a repub-

* At any rate, the advice given by Gen. Jackson to Mr. Monroe, furnished these distinguished federalists with a plausible excuse for joining what they had reason to believe would be the strongest party.

lican, but had full confidence in Gen. Jackson. They were told too, that the democratic party in the nation was in favor of Jackson. Hence the fact that a few federalists had declared their opposition to Mr. Adams did not excite the jealousy of the democrats, and, indeed, made little impression on them.

Some movements were made in Virginia, Ohio, and at Buffalo and at two or three other places in the state of New-York, to bring forward Mr. Clinton as a candidate for the presidency; but there is no evidence that any of those movements were made by his consent, or with his approbation. From the year 1824, down to the time of his death, Mr. Clinton declared openly and frankly, his preference of Gen. Jackson, and his determination to support his election; and in the latter part of the summer of 1827, I recollect an article appeared in the Evening Post, purporting to be authorized by a confidential friend of Gov. Clinton, stating substantially, that all efforts to support him as a candidate for the next presidency were wholly unauthorized by him, and against his wishes. This announcement was never contradicted by Mr. Clinton.

The manufacturers, particularly of woolen cloths, in the eastern and middle states, at this period, became clamorous for more effectual protection against foreign competition, and for the purpose of inducing congress to act effectually on the subject, conventions were held in most of the grain growing states, which resulted in a general convention of the friends of a protective tariff, at Harrisburgh, in Pennsylvania, on the 30th day of July. On the 17th of July, a state convention was held at Albany attended by delegates from several of the counties in the state. The county of Albany was represented by Ambrose Spencer, Benjamin Knower and others. New-York by Isaac Pierson, Peter Sharp and others. Genesee by Ethan B. Allen and David E. Evans. Saratoga by Samu-

el Young and others. Columbia by Jacob Rutsen Van Rensselaer, Elisha Williams, James Vanderpoel and others, &c., &c. This convention asserted unequivocally the power and *duty* of congress to pass laws for the *protection* of home manufactories and to encourage wool growing. Among the resolutions adopted were the following:

"*Resolved*, That the laws of congress have, from the first, assumed the principle that revenue is so to be levied as shall most encourage or least impede the various branches of commerce and of internal industry; that this principle may be, and ought to be, carried out to a more full and extended application; and that to enact laws in disregard of these interests, would be an undue exercise of power.

"*Resolved*, That the laws of the United States which have tended to protect our interests of navigation, manufactures and planting, against the exclusions, monopolies, regulations and bounties of other nations, have been the main source of whatever prosperity this country has enjoyed.

"*Resolved*, That inasmuch as the staple agricultural products of the south, to wit, cotton, tobacco and rice, are admitted into the ports of Europe without competition in their production, in that part of the world; and while both competition and prohibitory laws operate to exclude from a European market the breadstuffs, provisions and manufactures of the northern, middle, and western states, we deem it unkind in our southern brethren to oppose the passage of laws which are calculated to create a home market for our agricultural productions, and to promote our national wealth and prosperity."*

These and several other strong resolutions of the same tenor and effect, were passed unanimously by the convention, and Col. Young, Alvan Stewart of Otsego, and sev-

*Mr. Vanderpoel spoke against these resolutions.

eral others, were appointed delegates to the Harrisburgh convention. Col. Young and Mr. Van Rensselaer made able speeches in favor of the protective system and of the resolutions. I allude to the proceedings of this convention, and give the names of the delegates, for the purpose of proving that at that time both the Jackson and Adams parties were in favor of high protective duties.

Upon the near approach of the general election, in November, the Albany regency, it would seem, deemed that the period had arrived when it became necessary to make a development of the views of the democratic party in respect to the next candidate for the presidency. The first official annunciation (if I may be permitted so to call it,) on this subject, was made by the "general republican committee" of the city of New-York, at Tammany Hall, on the 26th of September. Of this committee, Benjamin Bailey was chairman, and William S. Coe secretary. The following are the resolutions which were published by the committee:

"*Resolved*, That we view with undisguised satisfaction, the marked preference which our republican fellow-citizens have manifested for the election of General Andrew Jackson, as president of these United States; and that we repose full confidence in his worth, integrity, and patriotism.

"*Resolved*, That it be recommended to our republican fellow citizens, in addition to the notice of meeting in their respective wards, that they elect such citizens *only*, to represent them in their different committees, as are favorable to the man whom the American people delight to honor; and who, in the language of the immortal Jefferson, "has filled the measure of his country's glory."

But against these resolutions, and indeed against the whole of the proceedings, James Fairlie, Peter Sharpe, Henry Meigs, and nine other respectable members of the

general committee, protested, as "unauthorised, violent, and unprecedented," and published their protest.

The cautious editor of the Albany Argus even yet spoke of the presidential candidate with great reserve; but not long after the publication of the resolutions of the New-York general committee, and very shortly before the election, he came out explicitly and decidedly for Jackson, and recommended that the election should be conducted with express reference to that question. His lead was followed by nearly all the democratic editors in the state. The effect was prodigious. All the machinery, the construction of which had for two years put in requisition the skill and ingenuity of Mr. Van Buren and his friends at Albany, was suddenly put in motion, and it performed to admiration.

The Adams party in the city of New-York, shortly before the election, held a meeting at Tammany Hall, of which the venerable Marinus Willet was chairman, and nominated Peter Sharpe and John D. Ditmus for senators from the first district, and James Fairlie and ten others, for members of assembly from the city.

The result of the election afforded a complete triumph to the Jackson party. The Jackson ticket for senate and assembly, in the city of New-York, received a majority of more than FOUR THOUSAND votes. Nearly all the senatorial districts were carried by the same party, and a large majority of Jackson men were returned to the assembly.

The senators elected were:

From the	First	District,	Jacob Tyson, and Mr. Schenck,
"	Second	do.,	Walker Todd,
"	Third	do.,	Moses Warren,
"	Fourth	do.,	Reuben Sanford,
"	Fifth	do.,	Nathaniel S. Benton,
"	Sixth	do.,	Grattan H. Wheeler.
"	Seventh	do.,	George B. Throop,
"	Eighth	do.,	Timothy H. Porter.

ened on the 3rd of December.
r speaker exhibited a majority
atives opposed to Mr. Adams.
andidate for re-election. Two
s were present. On balloting
ceived ninety-four votes; Mr.
were three scattering votes, and
Virginia received the remain-
lred and four) and was declared
Buren again exerted his influ-
again it was in the power of the
have elected him speaker and

On the 16th November, that splendid orator and great and good man, Thomas Addis Emmet, while engaged as counsel in the trial of an important cause, died instantly, in a fit of apoplexy. Public meetings were held in New-York and other places by the members of the bar, and by the adopted citizens of this country, and resolutions were passed expressive of their respect for his merits, and their grief for his death.

Never was applause more richly merited.

CHAPTER XXXIV.

FROM JANUARY 1, 1828, TO JANUARY 1, 1829.

THE events which occurred during the year which now opens upon us, and the political results which were developed before its termination, render it one of the most important eras in the history of parties in this state and nation.

The legislature convened on the 1st of January, and Erastus Root was again chosen speaker of the assembly. His election was not opposed. Francis Seger was elected clerk in lieu of Edward Livingston, who, in accordance with a previous understanding between him and Seger, had declined a re-election. Mr. Seger had for several years previous served as deputy clerk of the house, and in consequence of being crippled in one of his arms, and his obliging and assiduous attention in the discharge of his official duties, was rather a favorite with the members. It was with some difficulty that Mr. Livingston for two successive years had persuaded Mr. S. not to come in competition with him.

This assembly contained more men of talent than for several years before had appeared in that body.

Benjamin F. Butler, one of the revisers, was returned a member of the assembly from the city and county of Albany. There is no doubt a majority of the electors in November, 1827, were opposed to Gen. Jackson and his party. But I presume many of the electors voted for Mr. Butler who were against Jackson, because it was known that the Revised Statutes would be acted upon by the assembly then to be chosen, and that the services of Mr. B. would be highly beneficial to the public upon that

occasion. I was myself warmly opposed to the Jackson party, and yet voted for Mr. Butler for the reason I have stated. Besides Mr. Butler, there was ranged on the Jackson side of the house, Robert Monell of Chenango county; Nathan Dayton of Cortland county, (now circuit judge;) Erastus Root; N. P. Tallmadge, the present United States senator; J. B. Skinner of Genesee, D. F. Sacia of Montgomery county, Samuel Cheever of Rensselaer, Saul Alley, A. Shearman, Ogden Hoffman, and Robert Emmet, (son of the great Thomas Addis,) of New-York; N. B. Cowles* of Putnam, and Amasa Dana of Tompkins; all of whom were respectable for talents, standing and character.

On the other side, were the eloquent and talented Elisha Williams from Columbia ounty, with his colleague, Killian Miller; the able, experienced and sagacious Gen. Peter B. Porter; Ezra C. Gross, late a member of congress from Essex county, one of the most promising young men who ever entered the halls of legislation of the state of New-York; Luther Bradish from Franklin, the present learned and accomplished lieutenant-governor, Francis Granger, of whose talents and address I need not speak, and Robert C. Nicholas from Ontario, distinguished as well for possessing a discriminating mind and excellent judgment as for his modest and amiable deportment and unblemishhed reputation. He was the son of John Nicholas, of whom mention has heretofore been made, and is now a senator from the seventh district.

No material improvement had been made in the representation in the senate. Indeed, that body had sustained a great loss by the resignation of Mr. Colden, and the expiration of the term of service of Mr. Silas Wright, who had been elected a member of congress.

* Perhaps I do wrong to rank Mr. Cowles as a Jackson man. I believe he was disinclined to take much part in the controversy. He was, however, a very efficient and useful member of the legislature.

The governor in his annual message, commenced by lamenting the recent development of the bitterness of party spirit, alleging that even the sanctity of the female character had not been regarded by political partisans; evidently alluding to imputations which had lately been made in some of the Adams newspapers against the wife of Gen. Jackson. He again expresses an opinion in favor of an amendment of the United States constitution in such a way, that the choice of electors should be by single districts throughout the United States; and that the president be rendered ineligible for more than one consecutive term. He suggests this as the most effectual means of guarding against excessive party heat and excitement. He complains that the canals had been permitted to be obstructed by ice unnecessarily early in the fall and late in the spring during the last year, and he recommends that the canal commissioners should, by law, be required to keep the canals in a condition fit for navigation, in ordinary seasons, eight months in a year. He recommends very extensive further internal improvements by canals, and strongly intimates that the Chenango canal ought to be made by the state. His remarks in relation to internal improvements, and especially the management, or rather mismanagement, of the Erie and Champlain canals, drew from the canal commissioners, in their annual report, something like recrimination and retort. This report was evidently drawn by Colonel Young. He justifies the course taken by the commissioners, in not expending the money of the public to clear the canal of ice for the benefit of individuals. There was between Col. Young and Mr. Clinton a radical difference of opinion, as to the principle by which the state ought to be governed in making internal improvement. Governor Clinton asserted in substance, in his message, that the amount of revenue to be derived from a canal, ought not to control the state in determining

on its construction. Mr. Young held doctrine directly the reverse. The only question with the governor was, will the aggregate wealth of the state be increased by making the canal? Whereas with Col. Young, the main question was, will the investment by the state increase its revenue? In other words, will the state, as a financial corporate body make money by the operation?

The governor takes a rapid view of the productive powers of the soil of the state, and recommends the culture of tobacco and hemp; and he thinks a quantity of these articles might be raised in the northern states equal in value to the cotton exported from the south. He recommends an amendment of the constitution in such manner, as to abolish the circuit system. He thinks the same class of judges who adjudicate on the law of a case, ought to preside on the trial of facts. With some very trifling exceptions, the style and manner of the message are of the first order. Alas, it was the last time this great man spoke to the legislature and the people of this state.

On the 5th of January, Gen. Pitcher sent a note to the senate, stating that he was confined to his room by illness, and should probably for some time to come be unable to attend and discharge his duty as a presiding officer of the senate. And thereupon Mr. P. R. Livingston was elected president *pro tem.*

Early in the session, Mr. Wardwell, a respectable Jackson man from Jefferson county, introduced in the assembly the following resolutions, on the subject of the protection which the general government ought, by means of revenue laws, to extend to home manufactures;

"*Resolved*, That the senators of this state, in the congress of the United States, be and they are hereby instructed, and the representatives of this state are requested, to make every proper exertion to effect such a revision of the tariff, as will afford a sufficient protection to the



growers of wool, hemp and flax, and the manufacturers of iron, woollens, and every other article, so far as the same may be connected with the interest of manufactures, agriculture and commerce.

"*Resolved*, as the sense of this legislature, that the provisions of the woollens bill which passed the house of representatives at the late session of congress, whatever advantages they may have promised to manufacturers of woollen goods, did not afford adequate encouragement to the agriculturist and growers of wool."

These resolutions passed both houses unanimously, and by their order, were forwarded to the members of the senate and house of representatives from this state in the congress of the United States.

Since the passage of the compromise act, the excitement and agitation on this subject have subsided, and for ten years past the public mind in the state of New-York, and in most of the northern and middle states, has been in a great measure diverted from it.

In the midst of these busy scenes of legislation and bustle of political partizans, Gov. Clinton, who had for more than thirty-three years been constantly engaged in them, was struck down by the hand of death. This melancholy event occurred on the evening of the 11th of February. He had that morning visited the capitol and transacted business, as usual, at the room appropriated to the governor. In the afternoon, he wrote up his diary, (he had for a long time kept one,) and perused all the letters received by the evening mails. Within a few minutes after he had finished the examination of his letters, and while in a sitting posture, conversing with two of his sons, his head fell forward, and he never breathed again.

"His countenance underwent no change in death; there was no struggle or convulsion; the color of his cheeks

was unchanged, and his departure was quiet as if he had dropped asleep."—*Renwick*, 296.

The shock produced by this unexpected and painful event was deeply and universally felt. In the legislature, in our cities and villages, the most respectful marks of veneration for his memory, and decisive demonstrations of sorrow and grief for his loss were evinced, by funeral processions and eulogies. When the news arrived at Washington, the members of congress from New-York forthwith held a meeting without distinction of party, and adopted resolutions expressive of their esteem for his character, and respect and gratitude for his public services. Mr. Van Buren, on that occasion, delivered a short but appropriate and elegant address, the concluding part of which is so beautiful both in style and sentiment, and so just to the deceased, as well as creditable to the orator, that I cannot deny myself the pleasure of copying it.

"The triumph of his talents and patriotism," said Mr. Van Buren, "cannot fail to become monuments of high and enduring fame. We cannot, indeed, but remember, that in our public career, collisions of opinions and action, at once extensive, earnest, and enduring, have arisen between the deceased and many of us For myself, sir, it gives me a deep-felt, though melancholy satisfaction, to know, and more so, to be conscious, that the deceased also felt and acknowledged, that our political differences have been wholly free from that most venomous and corroding of all poisons, personal hatred.

"But in other respects it is now immaterial what was the character of those collisions. They have been turned to nothing, and less than nothing, by the event we deplore, and I doubt not that we will, with one voice and one heart, yield to his memory the well deserved tribute of our respect for his name, and our warmest gratitude

services. For myself, sir, so
engrossing is that feeling, that
ver, no never, envied him any
len, am greatly tempted to envy
iors."

rked, and sometimes by reflecting
time of Mr. Clinton's death was
egarded his fame and the respect
e generation who survived him.
and undoubtedly was, in favor
ackson for the presidency. A
n that question had softened the

number of the Van Buren and Clintonian Jackson men have adhered to him to have re-elected him governor of the state? I have before stated, that he had come to an irresistable determination not to accept of any subordinate office in the general government; he therefore would probably have felt no opposition to the appointment of Mr. Van Buren as secretary of state, founded on a desire himself for that office. But it was before and at the time of his death, generally understood that both Clinton and Van Buren were desirous and entertained expectations of being Gen. Jackson's successor. Mr. Clinton was the last man who could endure a rival. When therefore he saw, as he would have seen, events combining and things shaping themselves in a way likely to render Mr. Van Buren the favorite candidate of a majority of the Jackson party, what would have been the conduct of Mr. Clinton? Every man who knew him, will unhesitatingly decide that he would have waged a fierce and relentless warfare against Mr. Van Buren and his supporters. What would have been the event of that war?

With respect to the character and merits of Mr. Clinton, although I think I know them well, I feel great embarrassment in submitting any remarks on the subject. This embarrassment is increased by the reflection, that the attacks of political writers upon him during his life were extremely severe. Many of them denied that he possessed either talents or political integrity. The purity of his private character was never, I believe, questioned by any one. But as a politician, he was charged with being vain, selfish, cold and ungrateful to his friends, and vindictive towards his opponents. On the other hand, those who have written in his favor, have spoken of him in terms of unqualified praise. Even his biographers seem rather to have been engaged in writing an electioneering address, or pronouncing a funeral eulogy, than in compiling sober



history. It may be that in this, as in many other cases, the truth is to be found in a medium between these conflicting representations.

I was for many years an agent in conducting some of Mr. Clinton's most important pecuniary concerns, and in that capacity held familiar and confidential intercourse with him. I was his personal and political friend—I had almost said his admirer. For that reason, I may well suspect that my judgment is biased in his favor; while, on the other hand, it is not impossible that that very suspicion may have led to an extreme caution, which may render my representations in some respects unjust in relation to his talents and merit.

Mr. Clinton was, among the mass of his fellow citizens, personally unpopular. This was owing to a certain coldness and *hauteur* of manner, probably contracted when a boy, while he was private secretary to Gov. George Clinton. In the course of my agency for him, I sent a great many farmers and laboring men to him to pay him money, and I do not recollect of a single instance in which the person I thus sent did not leave him with unfavorable impressions towards him. And yet no one complained of any act done or word said by the governor as unjust or improper. As to any thing like illiberality in his pecuniary transactions, he was utterly incapable of it. It was evidently an assumption of superiority and a repulsiveness of manner which displeased. In this respect his political rival, Gov. Tompkins, had a decided advantage over him. An anecdote was related to me by John L. Wendell, Esq., of Albany, as coming from Mr. Sylvanus Miller, of New-York, one of the most constant and meritorious friends in the state of the late governor, so strikingly illustrative of the characters of both Tompkins and Clinton, that I beg leave to relate it

A respectable farmer residing in one of the interior counties in the state, unfortunately had a son who was convicted of a felony and sentenced to several years' confinement in the states prison. The father had twice called on Gov. Tompkins with a petition for the pardon of his son, which had been denied. After Mr. Clinton became the successor of Mr. Tompkins, the old man being acquainted with Mr. Miller, and aware of his intimacy with the governor, called on him and solicited his influence in behalf of his son. Mr. Miller being convinced that it was a case proper for the exercise of the executive clemency, promised to give him his aid, and forthwith called on the governor, and his representations produced the same conviction on the mind of Mr. Clinton. Mr. Miller however in order to turn the act to some political advantage, told the governor that the father of the convict was a man of considerable influence in the place where he lived; that he (Miller) would send him to Governor Clinton, and he hoped he would treat him in such a manner as to secure his esteem and friendship—and with this request the governor promised compliance. The old man called at the governor's office, according to the custom of country people, early in the morning, and Mr. Clinton, being informed of his name, went himself to the door and urged him to come in and breakfast with him. The petitioner did so, and the governor made great efforts to appear agreeable during the repast, and after breakfast delivered to the anxious father an unconditional pardon of his son. He went immediately to Mr. Miller's office, who inquired of him how he had succeeded, and how he liked the governor. "The governor," said the old man, "was so good as to ask me to breakfast and promptly pardoned my son, but you asked me how I liked him and I must say that, although I have seen Gov. Tompkins but twice, and although at each time he positively refused to grant



me the favor I desired, and Gov. Clinton has granted me that very favor upon the first time of asking, I like Gov. Tompkins better than I like or can like Gov. Clinton—I can not tell the reason why."

Gov. Clinton was not remarkable for his conversational powers. On literary subjects, and other grave topics, he was interesting, though not eloquent. His attempts at wit among those with whom he associated, and at convivial parties, were generally severe and sometimes offensive, especially to those who, from their age or situation, felt that they could not with propriety retaliate. As a political writer, he was capable of keen and biting sarcasm, perhaps more so than any other writer of the age. In his domestic relations, he was tender and affectionate. I never knew a more kind, sensitive and affectionate parent. Although economical in his expenditures, he was not a lover of money. His want of attention to his pecuniary affairs grew out of his love of literary fame, and his fondness for politics and political power. In all his pecuniary transactions, he was rigidly and strictly honest.

As a writer, although he now and then seems to labor to convince the reader that he is a very learned and very great man, he undoubtedly possesses great merit, and stands unquestionably higher than most of his cotemporaries.

As a mere politician, I have had frequent occasion to point out his errors. By his political opponents, he was charged with intrigues. So far from this charge being true, he was not only utterly destitute of intrigue, but he was absolutely defective in that address which, in a popular government, is highly necessary for every man who expects to make a figure in public life.

I have had occasion several times to remark, that although his ends were always worthy and elevated, he failed in providing the means for the accomplishment of

those ends. Perhaps it was unfortunate for Mr. Clinton that when quite young he found himself possessed of considerable political influence and power—an influence and power which he never had labored to acquire, but which he might have imagined he possessed in consequence of personal merits which those around him discovered, but which in fact grew out of his near connexion with his uncle, the governor. To this false impression, early made on his mind, and too long cherished, may be owing the fact that he always placed too high an estimate on his own personal influence. He seemed to entertain the notion that all his friends were bound to believe as he believed, and that his supporters were made for him, and not he for his support ers. I have not the least doubt his great principles of action originated from pure and patriotic motives, and he therefore readily arrived at the conclusion that those who differed from him were either defective in judgment or influenced by sinister views. Hence both in conversation and in his anonymous writings, he treated his political opponents with severity, and sometimes with unjustifiable harshness. During his long political career, he had seen much of the selfishness, dishonesty and corruption of men, some of whom claimed and held considerable standing in community; hence, although perfectly honest himself, he formed an opinion unfavorable to the integrity of the majority of politicians; and although pure and incorruptible himself, he looked upon corruption in others with too much indifference; and hence we have seen among his most zealous and clamorous friends, some of the most corrupt agents of the bank of America. But this class of men he never admitted to unreserved confidence. Although highly impressed with an opinion of his own standing and popularity, and possessing great confidence in the correctness of his own judgment, he had a few friends to whom he without reserve unbosomed himself



and from whom, with all his native sternness, he would receive advice, and even admonition, in the kindest and most placable manner. Among these I may mention, in the early part of his public life, Ambrose Spencer, and at a more recent period, the late William James, Archibald McIntyre, Alfred Conkling, and Sylvanus Miller. Indeed Mr. Miller was his confidential friend during the whole of his political career.

As a statesman, and I use that term as distinguished from the mere politician, Mr. Clinton stands pre-eminent. His views were generally original, and put forth in a bold and fearless manner. His forecast was most remarkable. He early discovered and attempted to remedy the defects in the organization of the general government with respect to the election of president. He was among the first to point out the danger, which might grow out of a collision between the states and the judiciary power of the union. He discovered and warned the public against the evils growing out of the over issues of banks in advance almost, if not quite, of all other men. He has been the reputed author, and at any rate, has assumed the responsibility of recommending a larger number of great and important measures, which have been adopted by the legislature, and received the stamp of the approbation of the people of this state, than all the other governors who have sat in the executive chair of New-York since the organization of its government.*

As respected the relations of the states with the general government and the constitutional powers of that government, Mr. Clinton was a state rights man, and a strict constructionist of "the most straitest sect." His ardor in supporting the rights of the states when they came in collision with doubtful powers claimed by the

* This assertion is made without particular examination of it must, therefore, be regarded as a mere expression of an opinion

national government, was probably sharpened and increased from the time he appeared as a writer in opposition to the federal constitution, by his ardent attachment to this, his native state. He loved New-York and every part of it with the same partiality that a parent does his own family, and he took pride in its advancement in wealth and greatness. With all his bitter and sometimes illiberal feelings against political opponents, whenever those opponenents advocated measures in his judgment calculated to advance the wealth and prosperity of the state, his hostility for the time being was extinguished, and he came most cordially to their aid. He was, therefore, at heart, a state rights man. The least indication of encroachment by the national upon the state government, was viewed by him with alarm, and resisted with spirit. Of the great men in America, who were jealous of the national government, and for confining its action exclusively to the powers expressly granted, Mr. Clinton was unquestionably the most zealous. Mr. Jefferson and others have theorized, but Mr. Clinton *felt* in favor of state rights.

In conclusion, I may be allowed to express an opinion, that De Witt Clinton was a sincere friend to the equal rights, prosperity and happiness of the mass of men, but possessed habits of thinking of himself and a deportment which rendered him unacceptable to them; that he was able, honest and patriotic in his conduct as a public agent; but that he looked with too great indifference upon corruption among his supporters; that he indulged in too much asperity against his political opponents; and that he was a man of high and exalted ambition, and of sound and enlarged views as a statesman, but defective in tact and address as a politician in a popular government.

He was a man of indomitable personal and moral courage. In person he was, perhaps, the most perfect



specimen of humanity, as combining dignity with elegance and symmetry of features, ever produced in the state of New-York.

It was well known that Gov. Clinton died poor; and that, not being an acting canal commissioner, he had received no salary, or other compensation for his services as such commissioner. With a view of making some provisions for his minor children, two sons and two daughters, soon after his death, a committee of the assembly was appointed by the speaker, on the motion of Mr. Edgerton of Delaware, consisting of Messrs. Edgerton, Butler, Granger, Goodrich and Ruggles, who reported a bill, authorizing the payment to those children of the salary of a canal commissioner during the time the late governor had served as a member of the canal board, and one year's salary as governor of the state. The passage of this bill was opposed by Mr. Root, and by Mr. Mann of Herkimer, with considerable heat and some bitterness. Men of generous and good feelings of all parties were mortified and disgusted at this opposition. Mr. Butler, although he had been one of the most zealous political opponents of Mr. Clinton, distinguished himself by an able and eloquent speech in support of the bill. The speaker decided, that as the bill proposed a grant of money, it could not be passed into a law without the vote of two-thirds of the members of both houses in its favor, and in this decision he was sustained by a majority of the house. Gen. Porter declared that he could not vote for so large a sum as that proposed to be given, and moved to limit it to the amount of ten thousand dollars. The real friends of the measure apprehending, if they insisted on too large a sum, two-thirds of the members could not be induced to vote for it, adopted Gen. Porter's amendment, and in that form the bill passed by a vote of eighty-eight to twenty-five. In the senate it passed without serious

opposition. I regret to say, there are good reasons for believing that former political hostility induced Mr. Root and Mr. Mann, and many of their followers, to pursue the course which they did on this occasion. How deep and settled must be those prejudices and that political hostility which the grave cannot annihilate.

Upon the demise of Gov. Clinton, Gen. Pitcher became the acting governor, and Mr. Peter R. Livingston having been elected president of the senate, was lieutenant-governor de facto.

Gov. Pitcher was an uneducated man, brought up a farmer in Washington county, a man of good native powers of mind, of sound judgment, and had acquired some knowledge of public business, having been several times elected a member of the legislature of this state, and once a member of the house of representatives of the United States. He was a warm partizan and had been an ardent opponent of Gov. Clinton. But the intercourse which Mr. Pitcher had with the governor, as state road commissioner, and as lieutenant-governor, had mollified his feelings towards him. Although zealous as a partizan and warm in his friendship, and as is commonly the case, equally ardent in his enmities, Mr. Pitcher was strictly and rigidly an honest man. He would fight his opponent vigorously, but he would not wantonly do him injustice. He was a man of deep and intense feeling, of which I shall soon furnish proof.

His first message to the legislature of any importance, was a recommendation that provision be made by law for the appointment of a special public prosecutor to detect and punish the murderers of William Morgan. This recommendation was approved by the legislature, and a law passed in accordance with it. Mr. Daniel Mosely of Onondaga county, was appointed to the office.



A bill for constructing the Chenango canal, and also the Chemung canal, by the zealous and vigorous efforts of Mr. Granger, again passed the assembly, but both bills were defeated in the senate by a large majority.

The courts of law in the city of New-York were found to be inadequate to the business wants of that city. Causes which afforded the least possible excuse for disputation were litigated, and such a mass of business was thrown into the supreme court that the number of cases on the calendar of the circuit judge had become so great that it was evident years must elapse before the younger issues would be brought on for trial. In a commercial country, a delay of justice amounts to a denial. It was evident that the fault was not in the presiding judge. More force, more judicial laborers were required to dispatch the business and properly dispose of the causes which the parties required should be litigated. It was therefore proposed to erect a court for the trial of all civil causes, but which should be confined in its jurisdiction to the city and county of New-York, to be called the superior court of common pleas, and to consist of three judges, any one of whom should be authorized to try issues of fact. This scheme was adopted by the legislature.

After this law had been passed, great anxiety was manifested by the members of the New-York bar in relation to the persons who should be appointed judges.

Chancellor Jones had now nearly reached an age which would have rendered him constitutionally ineligible to hold the office of chancellor. He was therefore willing to exchange that office for the office of chief justice of the new court, the term of which was not restricted or limited by the age of the incumbent. As the appointment of Mr. Jones would vacate the office of chancellor, and give the appointing power an opportunity of supplying the vacancy by one of the political friends of the domi-

nant party, and as no objection could be made to the personal fitness of Mr. Jones, his appointment was readily acceded to by the governor and senate.

Mr. Hoffman, since the council of appointment in the year 1818, had refused to remove Mr. Riker, in order to make him recorder of New-York, had been anti-Clintonian in his politics, and had availed himself of all probable chances of being gratified by apppointment to office, from the adverse party, but had heretofore been unsuccessful. On this occasion his son, a young man of considerable influence and some brilliancy of talent, happening to be a member of the assembly, and without whose aid, probably, the bill creating the superior court could not have been passed, exercised such efficient exertions in his favor, that the governor and senate, with some reluctance, came into the measure, and consented to his appointment.

The selection of a third candidate for judge was still more difficult. Thomas J. Oakley was the favorite candidate of the merchants of New-York, and I presume of a majority of the bar. But he had been a most zealous and formidable opponent to the dominant party during the contest between Clinton, McIntyre and Tompkins, and had been indignantly ejected from office but a few years before, by the very party whose patronage was now claimed for him. The only political merit of Mr. Oakley, was, he was a Jackson man, and that circumstance, in connexion with his eminent talents and high standing as a lawyer, caused it to be ultimately determined that he should be selected as the third judge.

Had Mr. Oakly continued in political life, (he was then, I believe, a member of congress,) his talents, discretion, self-command and address would unquestionably have rendered him one of the most distinguished of the northern politicians. Since his acceptance of the office of judge o.



this inferior—superior court, he has not been heard of as a political man.

On the whole, so far as the public interest was concerned, there was no ground to complain of the selection of judges for this new court. Of Chancellor Jones as a jurist and lawyer, I need not speak. Mr. Hoffman, though far advanced in life, had long held a distinguished standing at the bar, and it will be recollected was several years attorney general of the state, under the administrations of those eminent men Gov. Clinton and John Jay. Judge Oakley's high order of talent is too well known to require to be again mentioned. But it is not a little remarkable that these three judges, as long as the federal and republican parties existed, or at any rate as long as the federal party claimed an existence, were three of the most efficient, distinguished and zealous federalists in the state.

Upon the resignation of the office of chancellor by Mr. Jones, Mr. Pitcher did what Gov. Clinton ought to have done,—he offered the appointment to Chief Justice Savage, who declined it, and thereupon he appointed the present chancellor, Reuben H. Walworth, who was then circuit judge of the fourth circuit. Mr. Walworth, although one of the youngest of the circuit judges, had acquitted himself in the discharge of the duties of that office with great ability, and in a manner which commanded and received the approbation of the bar and the public. His appointment to the office of chancellor was generally well received. The appointment of Judge Walworth as chancellor, left a vacancy in the office of circuit judge, which was supplied by the appointment of Esek Cowen, an industrious and learned lawyer, then reporter of the supreme court. This appointment was also deemed a judicious one and was well received.

Before the adjournment of the two houses, a Jackson legisative caucus was held, at which they appointed a

convention to be held in Herkimer on the fourth Wednesday in September, for the purpose of nominating a governor and lieutenant governor. The same party, by a legislative caucus on the 31st January, nominated General Jackson for president.

The legislature adjourned on the 21st of April to the 9th of September, at which time they proposed resuming the revision of the laws.

On the afternoon of the day of the adjournment, the Adams democratic members of the legislature held a meeting at Knickerbacker hall in Albany, of which General Porter was chairman, and Reuben Sanford of the senate secretary. The meeting, I believe, was not numerously attended, but I perceive from the account of their proceedings, the respectable names of Ambrose L. Jordan, Charles H. Carroll, Robert C. Nicholas, Arunah Metcalf, Luther Bradish and Ezra C. Gross, are mentioned as persons present. The meeting adopted and published an address to the public, of a character somewhat inflammatory, and containing a very bitter attack upon Gen. Jackson.

Soon after the adjournment of the legislature, Mr. James Barbour, secretary of war, was appointed minister to London, and Gen. Porter was made secretary of war in his place. This appointment, as well as the appointment of Judge Rochester on the Panama mission, was entirely the work of Mr. Clay. Both appointments were judicious. Gen. Porter was an exceedingly shrewd and sagacious man, and understood well the course which ought to be pursued by the government, particularly in this state, in order to furnish any reasonable hope of success. The capital error of the national administration was, that it did not make some provision for Mr. McLean, and commit the management of the post-office to Genera Porter. Through the strange obliquity of mind of Mr Adams, the department, which furnishes the only means

to the national administration of making itself felt among the people, was permitted to be held during his whole administration, if not by a political opponent, at least by a man who was quite neutral, and who, under pretence of impartiality, stood so erect that he leaned against the administration of which he ought to have made a part

About this time the office of treasurer of the United States became vacant, and Chief Justice Savage was offered the appointment, which after several days' hesitation he declined.

On the 10th of June, a convention of delegates from nearly every county in the state friendly to the re-election of Mr. Adams, was held at Albany. The late Chief Justice Spencer attended as a delegate from the county of Albany. The venerable and aged Alexander Coffin, of Hudson, was chosen president of the convention, and Robert S. Rose of Seneca, and Peter Sharpe of New-York, were secretaries. I observe among the delegates from New-York, Samuel B. Romaine, formerly speaker of the assembly; John A. King from Queens, and Micah Brooks from Ontario county. Some of the delegates, it appeared, contemplated at this convention the nomination of an Adams candidate for governor, but a large majority of the convention declined at all to agitate that question. They contented themselves by making speeches, adopting resolutions and publishing an address to the people of the state. The address was drawn by Gerrit Smith, Esq. It was a very long, able and well written document; but was not, in my judgment, calculated at that time to produce much impression on the public mind.

Nearly all the "*high-minded*" federalists who were in life in 1828, and who in 1820 joined the republican party because, as they alleged, no federal party then existed, supported the administration and re-election of Mr. Adams. Indeed, most of these men in 1824, were for the election

of Mr. Adams, and belonged to what was called the people's party. They continued active members of that party until after Mr. Clinton's nomination for governor, (a nomination which they warmly opposed,) when they generally joined the opposition against him.* It is a remarkable fact, that this corps of men never did, nor have they ever to this day, acted with the democratic party, except when that party was at war with Gov. Clinton. Does not this circumstance afford some reason to suspect that they were originally influenced by personal considerations?

During the autumn of 1827, and the winter of 1828, the anti-masons, in the western part of the state, had greatly increased in numbers, and as their numbers increased, the excitement on that subject became more intense, and they very early manifested a determination to carry that question to the polls of election. Of their action as a political party, I have spoken in another place. At present, however, it is necessary to suggest that they were generally opposed to the Albany Regency; and that Mr. Jackson being a mason, and Mr. Adams not being one, they nearly unanimously perferred the latter to the former. In this state of the public mind in western New-York, much anxiety was expressed by the members of the convention which met on the tenth of June, in their consultations with each other, that such candidates for governor and lieutenant governor might be selected by the Adams party, as would command the votes of the anti-masons. It was known that the anti-masons would hold a convention for the nomination of those officers, and many were of opinion that the Adams party had better at once adopt their nomination; but there was a majority, who, alarmed, and perhaps prejudiced by the representations of bigoted and narrow-minded masons, declared they could, upon no considerations, agree to support candidates

* John L. Wendell, Esq., of Alban is an exception.

showed that it was certain, that Mr. Granger would be elected. In case Crary refused to decline, Granger expressed a desire not to be a candidate. This course of Mr. Granger appeared to the committee perfectly reasonable, and as they believed Mr. Crary to be anxiously desirous to prostrate the Albany Regency and promote the election of Mr. Adams, they did not doubt he would take the earliest opportunity to decline. That he might be fully informed of the real situation of things, the committee requested Mr. Samuel Stevens, who then resided in the same village with Mr. Crary, but who happened to be in Albany, to call on him immediately on his return and procure his declension. Mr. Stevens did call on Crary, and forthwith wrote to his friends in Albany that he had had an interview with Crary; that he was perfectly willing to decline, but that as Mr. Granger had by the anti-masons been nominated to the higher office, (that of governor,) it would be more decorous that his declension should first be published. This answer was communicated to Mr. Granger, who forthwith caused his declension of the anti-masonic nomination to be published. He then looked and waited, but looked and waited in vain for Mr. Crary's declension—Mr. Crary did not decline. That I have stated the facts correctly, appears by letters now before me from Mr. Granger and others, which I received as secretary of the Albany committee.

It was perfectly well known at that time that Mr. Van Buren would be the Jackson candidate for governor; it was also known that Southwick would receive nearly all the anti-masonic votes for that office, and that *he* would not decline. It was likewise as well known then as six months afterwards, that if Jackson was elected president, of which all admitted the great probability, Mr. Van Buren would be made secretary of state, which would cast on the lieutenant governor to be elected, the executive au-

thority; hence all intelligent men foresaw that the election of lieutenant governor would in fact be the election of a governor of the state. And yet Mr. Crary, after these views had been fully presented to him—he at the same time professing a decided hostility to the Albany Regency, and knowing, as he must have known, (unless he possessed a greater share of stupidity than either the charity of his friends or the malice of his enemies can accord to him,) that he could not himself be elected, and also knowing that his continuing to be a candidate would ensure the election of a regency executive—in violation of his promise to Mr. Stevens, after Mr. Granger had accepted the nomination of the Adams convention, published his acceptance of the anti-masonic nomination! This man was dubbed by the anti-masonic papers during the canvass, by the appellation of "*Honest John Crary.*" What influence may have been brought to bear upon him, or under what strange delusion he acted, no man can tell.

The Jackson party with great unanimity agreed to support Mr. Van Buren as their candidate. It might, perhaps, at that time have been difficult for them to have agreed cordially on any other candidate, putting Mr. Van Buren out of view, as there were several other gentlemen whose standing and claims on the support of the party were nearly equal. What probably induced a more ready acquiescence in the support of Mr. Van Buren was, that it was known if elected he would serve but a very few months. The great question was, who should be lieutenant governor? Gen. Pitcher claimed to be a candidate for re-election. He had, when the question of his election was doubtful, been the candidate of the party, and it was *because* he was their candidate that they, as he believed, achieved success and enjoyed the patronage which belonged to the executive to distribute for the current legislative year.

Mr. Pitcher was not obnoxious to the charge of any political sin; the measures which he had recommended, had met with universal approbation, and his appointments had been such as would have done honor to any executive. These claims were all well founded, and in ordinary times, no reasonable man would have resisted his re-nomination; but as I have before remarked, it was well known that the lieutenant governor would be the acting governor; and the leading Jackson men did not consider that Mr. Pitcher's education and talents qualified him for the office of governor of this great state. I believe this to be the true state of the case, although Mr. Pitcher, I have no doubt, believed, and some of his friends affected to believe, that the reason why his re-nomination was opposed, was because he was not sufficiently subservient to the Albany Regency. I was the personal though not the political friend of Gen. Pitcher, and I therefore claim to judge at least impartially between him and his political associates. [*See Note E.*]

Mr. Van Buren had, during the summer of 1828, made a tour to the west, and had visited Mr. E. T. Throop, and spent some time with him at his residence on the Owasco lake. It was charged in the Adams papers, that during that visit, it was decreed that Pitcher should not, and that Throop should be supported; and that the Herkimer convention merely registered the decree. But however this may be, the Herkimer convention did nominate Mr. Van Buren for governor, and Judge Throop for lieutenant governor, with considerable unanimity.

This act of ingratitude, as General Pitcher considered it, and seems to me, had a right so to consider it, made so deep an impression on his feelings, that he could never forgive the party who was guilty of it. From that moment and until the day of his death he opposed them.

In the latter part of August, John Woodworth became constitutionally, by reason of age, ineligible to hold the office of a judge of the supreme court, and accordingly resigned. Gov. Pitcher appointed in his place William L. Marcy, then comptroller of the state. The selection was very satisfactory to the bar, as well as to the democratic party.

A few days before the election, Mr. Throop resigned his office as circuit judge, and the senate being then in session, Mr. Pitcher sent to them the name of Daniel Moseley as the successor of Throop. The senate, as I think, rather uncourteously, refused to act on that or any other nomination until the first of January should arrive, when the new governor would come into power.

The result of the election did not afford to the Jackson party so splendid a triumph, as from the preceding annual election and from their great efforts, they probably anticipated.* The state of New-York was entitled to thirty-six electors for president and vice-president; and by the law as it then was, thirty-four of the electors were to be chosen in the congressional districts, who were, when they met, to form an electoral college, and in that capacity were authorized to appoint two electors to make up the complement. Eighteen electors were chosen by the people of the state favorable to Jackson, and sixteen in favor of Adams. Of course, when the electoral college was organized, and the two additional electors chosen, there were twenty for Jackson, and sixteen for Adams.

The election for governor and lieutenant governor proved to be a very close contest, and had not the anti-masons voted for Southwick and Crary, Van Buren and Throop would probably have been defeated. New-York and the old southern district gave a very strong vote for the Jackson candidates; Dutchess county gave them a majority of about one thousand three hundred, and the ma-

* See note F.

I recollect rightly, was nearly
fluence of Judge Oakley and
ther with the influence of N. P.
had heretofore acted against the
ly contributed much to this re-
yuga too, at the west, gave an
on majority. But the counties
Washington, Saratoga, St. Law-
contrary to the expectations of
majorities. In Albany, Judge
ngress over a very popular op-
chten was chosen a presidential

a distinct political party, acted with the Jackson party. Messrs. Maynard, Mather, Boughton, and Hayden were anti-masons. It thus appears that but four of the eight senatorial districts elected Jackson senators.



CHAPTER XXXV.

FROM JANUARY 1, 1839, TO JANUARY 1, 1840.

On the first day of the meeting of the legislature, Mr. Jordan resigned his seat in the senate. The reason he assigned for resigning, was that his private affairs and professional business demanded the whole of his time and attention. He said, "The important business of the extra session, and the hope of being able to remain in the unremitted discharge of his official duty until the revision of the laws was completed, alone controlled his judgment in not taking that step in time to have the vacancy filled at the last election." It is, however, very probable that the election to which he referred having resulted in such a manner as to leave his party in a hopeless minority in the state and nation, had also some effect in inducing in his mind a determination to quit the political field. Mr. Jordan was a talented and useful member of the senate; but while his withdrawal from public life was a loss to that body, the increase of his professional business which followed, rendered that withdrawal beneficial to himself. The senate received a great accession of talent by the election of Mr. Maynard as one of its members. Amiable and benevolent in private life, courteous in debate, and possessing talents of the highest order, he soon acquired, considering him in a small political minority, a high and commanding influence in the legislature.

There was a falling off of talent in the assembly. Gen. Root was not re-elected; he was not, I believe, a candidate for a re-election. The leading democratic members returned were A. C. Paige, from Schenectady; Abijah Mann, jun., from Herkimer; J. B. Skinner, from Gen-

esee, (elected as an anti-mason,) and Stoddard Judd, from Dutchess county. Several of the western counties were represented by anti-masons; and among the most prominent of them were Millard Filmore, from Erie; Philo C. Fuller of Livingston, and Robert C. Nicholas of Ontario. Mr. Granger having been a candidate for lieutenant governor, was of course not returned. Of the Adams party proper, Luther Bradish, of Franklin; E. C. Gross, of Essex, and Chandler Starr, of Albany, were among the most distinguished of that political sect in the assembly.

Peter Robinson, from Broome county, a discreet man, but of very ordinary capacity, was elected speaker. His nomination for that office was probably caused by means of the Chenango and other lateral canal influence.

Mr. Van Buren's message, like others of the annual executive messages since the year 1818, except those of Gov. Yates, was too long.

In his exordium, he very handsomely compliments Mr. Clinton, and speaks in the most respectful terms of his talents and services. He occupies too much time in getting at the real object of an executive communication; and as every one knew the brilliant political prospects that had then evidently opened upon him, he talks so much about his "humble efforts," and "the humblest instrument," &c., and indeed humbles himself so gracefully, that the public could hardly avoid charging him with an affectation of humility which he did not feel.

He speaks of the numerous applications which had been made to him to recommend to the legislature various canals and other internal improvements to be made at the public expense. With respect to these applications, he proposes the following as the proper rule to regulate the action of the legislature. The state ought to apply such portion of its means (including a *judicious* use of its credit) as could be spared from other necessary objects to



works of internal improvement; and he mentions several projected canals, but he is silent on the question whether all or any of them ought to be made. Now, it strikes me, that at a time when the public mind had been, to say the least, over excited by the ardent and enthusiastic representations of Mr. Clinton; when all men were dazzled and bewildered by the splendid revenue which was anticipated from the Erie canal, if Mr. Van Buren then thought, that that was the moment for the state to pause in its expenditures, and pay off its debt before it assumed any additional responsibilities; and that after its debt should be paid, then to apply its surplus revenue to the making further improvements, he ought to have said so in plain terms. Instead of this, he advised the legislature to apply such portion of the means of the state as *could be spared* from other necessary objects, to works of internal improvements, &c. Now, this was *non-committalism* in its very spirit. It was an authority for making the Chenango canal, and it was an authority against it. The Delphic Oracle never spoke more enigmatically.

On the subject of banking and the currency, the governor's views were exceedingly able and judicious, and they were communicated with great clearness. He said,

"Of the forty banks now in operation in this state, the charters of thirty-one expire within one, two, three and four years, but chiefly within two and three years. From the best information that can be derived from the returns made by the banks whose charters are about to expire, their collective capital actually paid in, amounts to fifteen millions of dollars; and the debts due to them, to more than thirty millions. The debts due from these institutions to the community, including their stockholders, may be safely estimated at about the same amount."

He suggests evils that would result from compelling these institutions to wind up their concerns by a refusal to

re-charter such of them as had conducted in conformity with the spirit of their charter; he points out the inconvenience which would accrue from permitting so many of these applications to remain long before the legislature undecided; and he recommends a final disposition of the subject as early as possible. He states that a plan had been communicated to him, which, if substantially adopted, might, in his judgment, materially improve the banking system in the state. "The limits of this communication," said the governor, "will not allow me to do justice to its details, or to the argument by which it is supported. It proposes to make all the banks responsible for any loss the public may sustain by the failure of any one or more of them. It suggests provisions by which that result may be reached, as far as it respects the banks whose charters are about to expire, and be ultimately made universal, or nearly so."

Heretofore the sales at auction of all imported goods had been restricted to officers appointed by the state government. This gave a complete monopoly of the auction business to those officers. Mr. Van Buren had the spirit and independence to recommend the abolition of this monopoly, and to throw open to free competition the auction business to all persons who would give the proper security for the faithful and punctual payment of the duties to the state.

He points out the evil of mingling in the same election the choice of state and national officers, and recommends that they be chosen on different days. The reasons he assigns for this recommendation are, in my judgment, very cogent; and it is, I think, to be regretted that it has not to this day been adopted. He advises the repeal of the district system, and the choice of presidential electors by general ticket.



He adverts to the necessity of further legislation to preserve the purity of elections, and urges with great force and propriety the duty of the legislature to pass a law prohibiting all expenditure of money at elections, except to defray the expense of printing. This recommendation was carried into full effect during the session.

The message presented a very clear and distinct account of the finances of the state, of its public works, its literary and charitable institutions, and concluded by a very proper and exceedingly handsome allusion to the triumph, at the last election, of the party to which Mr. Van Buren belonged. He does not manifest the least disposition to exult over his opponents. He speaks of them in the most kind and respectful manner. He laments the excessive excitement which had been produced by the collision of the parties, and concludes by saying: "It is certainly true, that the reputation of the country has in some degree suffered from the uncharitable and unrelenting scrutiny to which private as well as public character has been subjected. But, on the other hand, the injury produced by this discreditable exhibition has been relieved, if not removed, by seeing how soon the overflowing waters of bitterness have spent themselves, and that already the current of public feeling has resumed its accustomed channels. These excesses are the price we pay for that full enjoyment of the right of opinion, which is emphatically the birthright of an American citizen. It is with perfect deference to that sacred privilege, and in the humble exercise of that portion of it which belongs to myself—with a sincere desire not to offend the feelings of those whose views in this respect differ from my own—that I beg leave to congratulate you, and through you, our constituents, on the result of the late election for president and vice president of the United States: A result which, while it infuses fresh vigor into our political sys-

tem and adds new beauties to the republican character, once more refutes the odious imputation that republics are ungrateful; dissipates the vain hope that our citizens can be influenced by aught save appeals to their understanding and love of country; and finally, exibits, in bold relief, the omnipotence of public opinion, and the futility of all attempts to overawe it by the denunciations of power, or to seduce it by the allurements of patronage."

It is well known that Mr. Van Buren is a self educated man—and yet there is a neatness, clearness and simplicity combined with an unostentatious elegance in his style which I very much admire. The message, both in style and matter, is highly creditable to the author and the state, and notwithstanding the defects in it at which I have hinted, it is among the best, if not *the* best executive message ever communicated to the legislature of this state.

The recommendation of Mr. Van Buren of a reformed system of banking, in the message at which I have glanced, was soon followed by a special message, which contained the details of the plan to which he alluded. As upon this plan was founded the general banking, or as it is now called, the safety fund bill, which was passed into a law; and as that was the principal, and, indeed, the only important measure in which he had an active agency, and which was adopted during his short administration, I will proceed immediately to present to the reader a succinct account of it: Joshua Forman, Esq., a gentleman who had resided many years in the county of Onondaga, but who had lately removed to the southern part of the state, and then lived in the neighborhood of New-York, who was bred a lawyer, and while he lived in Onondaga had been principally engaged in the practice of his profession, claimed to be, and no doubt was, the original inventor of the scheme on which the safety fund statute was based.

Mr. Forman was by nature a PROJECTOR. He had invented many improvements in the manufacture of salt, particularly the mode of manufacturing in the peculiar manner it is done by solar evaporation at the village of Syracuse. Indeed, that flourishing village, destined at no distant period to become a large inland city, owes to his enterprising genius and spirit its origin, and in a great degree its present prosperous condition. He was also among the first projectors and efficient supporters of the Erie canal. He communicated his scheme of banking to Dr. Isaac Bronson, formerly of Bridgeport in Connecticut, then of the city of New-York, a man of vigorous intellectual powers, a shrewd and sagacious financier, and an experienced and successful banker. The discerning mind of Dr. Bronson soon led him to approve, in substance, of Mr. Forman's plan. The plan originally formed was, that all the incorporated banking companies in the state should be formed into an association, so far as that all the companies should be liable for the responsibilities assumed by each, and yet the property and profits held and made by the respective companies should belong to them in severalty. It was substantially placing the banks of this state on the same footing with respect to themselves and the public as the law of China placed the Hong Merchants. This project was submitted by Mr. Forman and Dr. Bronson to several of the most distinguished capitalists and bankers in the city of New-York, and at first it received their approbation. Mr. Forman, before the meeting of the legislature, came to Albany and submitted his plan to Mr. Van Buren, who not being himself versed in the mysteries of banking, referred it to Thomas W. Olcott, Esq. then cashier of the Mechanics' and Farmers' Bank in Albany. He could not have selected a more safe, able and judicious adviser. I need not inform the reader, that Mr. Olcott was a man of great native sagacity, possessing a clear, strong and dis

criminating mind, capable of discerning almost intuitively the effect and final result of any given financial operation, liberalized and enlarged by much thinking and reflection, and improved by many years' active experience at the head of a leading moneyed institution in Albany; a situation which rendered him intimately acquainted with the working of the system of banking, as well in the commercial metropolis as of the various smaller banking companies at the west and in the interior of the state.

Mr. Olcott, at first view of the scheme of Mr. Forman, discovered that cautious and careful banking companies never would consent to make themselves liable for the performance of the contracts of the various banks scattered over this great state, from Long Island to Lake Erie; and yet he was struck with the great benefits which would result to the public by the adoption of some plan which would render it the interest of each bank to sustain the credit of all other banks; and it was to his skill and sagacity, aided by his experience and influence, in connection with the personal influence among the members of the legislature, of Mr. Benjamin Knower, and a few other intelligent and patriotic bankers, that the New-York public are indebted for the most perfect system of chartered banking which ever was invented. The public are well acquainted with the leading features of the safety fund law. Some of its benefits are—

1. It affords reasonable security to the bill holder, by requiring the actual payment, by the stockholders, of the whole bank capital; by restricting the issues of banks to a moderate amount, and by providing a fund, the preservation of which is guarantied by the state for the payment of the dishonored bills of individual banks.

2. It is safe for solvent banks, because in no event can they be required to pay more than one-half of one per cent annually, on their capital, to make good the deficien-

cies of insolvent banks; whereas in some of the states, banks are required to pay one per cent on their capital annually, to the state treasury, as a bonus for their exclusive privileges; and because the law provides for the appointment of bank commissioners, authorized and required frequently to examine into the condition of every bank in the state, and by the aid of the chancellor to suspend the operations of all such banks as they may have reason to believe are making improvident issues.

3. It is beneficial to the banks, because their success depends upon acquiring and retaining public confidence in their ability and punctuality; and this system furnishes a sure and permanent foundation for such confidence. It is beneficial to the people, because the system, besides the security which it affords to the bill holders renders it the interest of every bank to support the credit of all banks.

When the plan was submitted to the assembly, it encountered a fierce opposition. Some of the members probably opposed it because it came from Mr. Van Buren; others were alarmed at the innovation, and viewed with great horror any experiments upon what was called the currency of the state and the mode of banking; while others, and probably the greater number, were influenced by the New-York banks to oppose the measure.

The banks of the city of New-York affected to view with utter aversion a system which, as they alleged, would make them partners of the country banks. They regarded the scheme as an attempt to reduce their credit to a level with the banks of the country; whereas the effect would be, and has been, to elevate the credit of the latter at par, (after deducting the expense of transporting specie from the country banks to New-York,) with the city banks, without depressing the credit of the banks of the city. They were disgusted at this levelling democratic principle, when applied to banks. Even some of those New-York

gentlemen who had spoken favorably of the measure when it was first proposed, after the opposition became ardent and general in that city, seemed anxious to conceal their previous knowledge and approbation of any of its features.

Mr. Paige of Schenectady, was chairman of the bank committee of the assembly—and to his talents, address and vigorous efforts the public are greatly indebted for the passage of the bill through that house. Indeed, he was the author of several valuable improvements of the bill as it was originally sketched out by its friends. Mr. Olcott continued its firm and fearless supporter, and on one occasion he told Mr. Van Buren that "the *only* objection to the plan was, that *it was too perfect.*" This declaration which at first view may seem absurd, was in letter and in spirit true, and a very few years' experience proved it to be so, as well as the singular sagacity and forecast of the author of it. The system was soon found to be so advantageous to bankers themselves that it produced a pressure on the legislature for charters which it became almost impossible to resist, and in fact that pressure was some times so great that charters were unwisely and improperly granted, and banks were multiplied to such an extent that the wreck of the whole machinery has been endangered by its own enormous weight.

The safety fund bill finally became a law, and under it thirty-one banks were re-chartered during this session of the legislature. But the banks of the city of New-York refused to accept charters under the law. Their great objection was founded on a jealousy of the soundness and solvency of the country banks—a jealousy which certainly existed without a legitimate cause. True, there have been banking companies formed in the country upon an unsafe and unsound basis—but I hazard little in the assertion that in general the country banks rest upon a more

safe foundation than those of the city. The present is not the proper time or place to prove the truth of this position.

It is unfortunate for the state, and more so for the city of New-York, that a large portion of their most estimable citizens, and especially of their representatives in the legislature, have not properly appreciated the true character of the banking and other institutions of the country, nor have they in general judged correctly of the character, intelligence and principles of action of the mass of the country population. The citizen, probably unknown to himself, gradually imbibes the false notion that not only capital but a correct knowledge of business is confined to the city. This impression, especially when acting as a legislator, frequently leads him into gross errors.

At a subsequent session, the banks of New-York were very glad to obtain a renewal of their charters under the safety fund law.

Although Mr. Van Buren can not and does not claim to be the originator of this excellent measure, he is entitled to much credit for having the sagacity to perceive its utility, and the independence to recommend and support it. Much of the merits of a statesman depends upon his skill in selecting proper advisers and his steadiness and perseverance in following good advice. It was by this means that one of the most distinguished sovereigns of Great Britain merited the splendid reputation which she acquired. In respect to this important measure, Mr. Van Buren certainly deserves great praise for the selection of counsellors, and for the fidelity, skill and address with which, as governor of the state, he aided in giving effect to their suggestions and advice.

The election of Mr. Van Buren to the office of governor, necessarily produced his resignation as a senator in congress. After some consultation, Charles E. Dudley of

Albany, lately a state senator, of whose amiable disposition and excellent private character I have heretofore spoken, was fixed upon as his successor. Mr. Dudley was a native of one of the eastern states, I believe Rhode Island, and pretty early in life had acquired a handsome estate, by a very successful commercial business. He had connected himself in marriage with one of the most respectable and ancient families in Albany; and by his courteous deportment and benevolent conduct, had secured the esteem and respect of all with whom he was acquainted. In some respects he was qualified to be useful as a member of the national legislature. He was well acquainted with the banking and commercial business of the country. His deportment was gentlemanly, and he was a man of strict integrity and honor. He was a warm personal and political friend of Mr. Van Buren. He was not, however, distinguished for vigorous mental powers. He was not only indisposed, but incapable of taking any share in the debates of the senate; and so extreme was his modesty, that he was unable to exert, even in private circles, that influence to which, from his experience, his age, and his standing in society, he was fairly entitled. There were at the time, in the Jackson party, several other more efficient and talented men than Mr. Dudley, who would have been gratified with an election to the senate of the United States. Mr. Van Buren was for Mr. Dudley. He received in the senate twenty-three and in the assembly seventy-nine votes.

About this time a habit of intemperance had become so fixed and settled upon Mr. Talcott, as to render his resignation of the office of attorney general absolutely necessary. All men regretted the loss of the services of this able and learned lawyer, as well as the cause which produced it.



Greene C. Bronson (at present a justice of the supreme court,) was appointed his successor. Mr. Bronson, it will be recollected, in the year 1822, was a Clintonian member of the assembly from the county of Oneida. But long before the death of Mr. Clinton, he had changed his position from that of a supporter to that of a political opponent.

The appointment of Mr. Marcy to the office of judge of the supreme court, was a great loss to the Albany Regency. Zealous, firm and decided, though frank and open in his political conduct, he was esteemed and respected as well by opponents as friends. His acceptance of the office of a judge, necessarily withdrew him from the active management of political concerns.

Silas Wright, jun., a member of congress, and who, while state senator, had afforded abundant proofs not only of his rigid adherence to party tactics, and of tact and shrewdness as a party manager, but of mental vigor and capacity, was selected for the new comptroller. Here was a man, brought up in one of the country towns of Vermont, and from thence transferred to the wilds of the county of St. Lawrence, placed at the head of the complicated financial operations of the great State of New-York. But unaccountable as it may seem, Mr. Wright soon proved himself amply competent to discharge the trust which had been conferred upon him. It is conclusive evidence of the high mental powers of this man, that in whatever situation he has been placed, he has instantly exhibited talents equal to the able performance of the duties which has been cast upon him. The other state officers, A. C. Flagg, secretary of state; Abraham Keyser, treasurer; Simeon De Witt, surveyor general; and Alexander M. Muir, commissary general, were re-elected almost without opposition.

Mr. Van Buren renewed the nomination of Mr. Mosely to the office of circuit judge in the place of Lieut. Gov. Throop, and the senate confirmed the nomination. This appointment left vacant the office of special counsel for the detection and prosecution of those concerned in the murder of Morgan. Mr. Van Buren selected John C. Spencer as the successor of Mr. Mosely, and he could not have made a better selection. The wonder is, how so rigid a party man as Mr. Van Buren was, came to appoint a political opponent to so important an office. The following considerations may account for it:

The office could not have been a desirable one, while at the same time all parties were well convinced that it required a man of talents and great moral courage to discharge its duties properly. I say it was not a desirable office, because, if the prosecutions were not pursued with great vigor, and even if they were so pursued, if they should happen to be unsuccessful, there was reason to apprehend that the anti-masons, in the heat of their excitement, would impute the failure to the want of energy, or to the treachery of the special attorney. On the other hand, if he discharged the duty imposed on him by the act, vigorously and with fidelity, he would draw down upon himself the hostility of the masons, who, in that region of the state, and indeed, in every other part of it, were a powerful and united body of men.

If the plan succeeded in detecting and punishing the guilty, and in quieting the excitement among the people, then the measure was adopted by Mr. Van Buren and his friends, and tney were entitled to applause for it; if it failed, then its failure might be charged upon Mr. Spencer and his friends, who were firm opponents of the Jackson party. A finer specimen of the peculiar tact of Mr. Van Buren can scarcely be found than that exhibited in making this comparatively unimportant appointment. This was



the last appointment made by Mr. Van Buren as governor of the state.

Within a few day after the inauguration of Gen. Jackson to the office of President of the United States, Mr. Van Buren received notice of his appointment as secretary of state of the United States, and on the 12th of March, communicated his resignation of the office of governor to the legislature. Upon the annunciation of this communication, both houses passed resolutions of congratulation and of thanks, highly complimentary to Mr. Van Buren. In the senate, Mr. Maynard made some resistance, principally on the ground, that when Mr. Van Buren consented to stand a candidate for the office of governor, he gave an implied pledge that if elected, he would serve through the gubernatorial term; and that, therefore, the senate could not adopt the second resolution proposed, which approved of the conduct of Mr. Van Buren for abandoning the service of the state for that of the national government. The opposition of Mr. Maynard proved ineffectual.

Mr. Throop, on whom the executive government of the state now devolved, on taking leave of the senate, delivered a long, and what may be properly called, inaugural address, in which he undertook to set forth his views of the true policy of the state, and the leading principles which would govern him in administering the executive department of the government.* He laid down some general maxims of government, which were very correct, and in which all agree. On the subject of internal improvement he spoke in terms highly laudatory, but he does not "*commit himself*," either for or against the policy of making, at the expense of the state, additional canals. In short, like most inaugurals, it consisted principally of putting forth many general propositions like the assertions, that all power is derived from the people; that all men

are politically equal, &c., without declaring himself in favor of or adverse to any particular measure.

Mr. Throop, after concluding his remarks upon measures, devotes the residue of his address, which is much the largest portion of it, to a dissertation on political parties. His views on that subject, though in general liberal, do not strike me as particularly luminous.

The new governor sets off by affirming that, "of the political parties known to our history, there has been one, and but one, which, from the adoption of the federal constitution to the present day, has maintained an unvaried character, and has constantly held the public good for its object." Now this would be a pretty bold assertion for a partizan political writer to make. Gov. Throop is the first and last statesman who ever ventured on so bold an assertion in a grave executive communication to a co-ordinate department of the government. Mr. T. however, very complacently, soon assures us that *he* has always belonged to this immaculate party. Mr. Throop's remarks upon the anti-masonic excitement, and upon the impropriety of making the outrage committed on Morgan, a foundation on which to build a political party, are exceedingly just and highly commendable. The address was badly written. Indeed, one great, and perhaps I ought to say *the* great, defect of Gov. Throop as a statesman in a popular government, was want of ability as a writer. I do not consider this as evidence of a want of talent generally. Some of our most eloquent men are very indifferent writers, and some men who write well can not speak extemporaneously, and indeed have little other talent. One of the greatest men the world ever produced, (Oliver Cromwell,) could neither speak nor write, but could think and act superior to any other man. The formation of ideas in the mind, and comparing and adjudicating upon



them in one thing; a description of these ideas by words, either verbally or written, is another. [*See Note K.*]

The address of Gov. Throop, now under consideration, as a whole, notwithstanding the animadversions contained in the preceding paragraph, contains many things well worthy of the attention of the patriot and statesman.

He suggests that the natural and inevitable tendency of party divisions, based upon conflicting opinions in regard to constitutional law or the measures of an existing administration, is, to form the whole mass of men into two great parties. The slight shades of difference in the opinions of individuals, will, as he thinks, gradually vanish, and the desire of political ascendancy will soon array all classes of men into two solid columns, the one for, and the other against, those who stand at the helm of government. *Parties* thus organized he deems useful, because "they watch and scan each other's doings, the public mind is instructed by ample discussion of public measures, and acts of violence are restrained by the convictions of the people, that the prevailing measures are the result of enlightened reason."

The vigilance with which parties watch each other unquestionably furnishes a great, and it is to be hoped an effectual, security against any flagrant outrage of the dominant party on the liberties or interest of the community; but the Governor might, I think with great propriety, have added, that the vigilance with which an opposing party scrutinizes the acts of the party in power, may afford another safeguard against oppression and corruption, by inducing a party who wish to overthrow an existing administration, to expose such corruption and oppression so effectually, that a majority of the people will deem it their duty, by the exercise of their sovereign authority as independent freemen, to change the administration by peace-

ably and quietly removing from office the authors of those obnoxious measures at the polls of the next election.

Charles Stebbins, a senator from Madison county, was elected president of the senate, and was therefore *ex-officio* lieutenant governor.

A bill for constructing the Chenango canal was again brought into the assembly; but the first section of it, which contained the enacting clause, was rejected in committee of the whole by a small majority. The committee rose and reported, when Mr. Johnson from Oneida, moved an amendment, directing the route to be again surveyed under the immediate inspection of the canal commissioners, and prescribing certain conditions upon which alone the commissioners should be authorized to commence the work. The bill was subsequently so amended, that before the commissioners were permitted to contract for making the canal, they should be convinced that the cost of the construction of it would not exceed one million of dollars; that there would be a sufficient supply of water, and that it would produce for the first ten years after its construction, an amount of tolls which should be equal to the interest upon its cost, together with the repairs and the expense of attendance. The commissioners were further required to report to the next legislature whether the evidence elicited by their survey and examination had produced in their minds a conviction of the truth of these positions. The legislature, by this act, merely took the representation of the applicants for this improvement to be true, or rather they required them to convince the canal commissioners that those representations were true; and if they did so, then the state agreed to construct the canal. Of this course, it seems to me, the applicants had no right to complain.

An act for constructing the Chemung canal passed the assembly by a vote of seventy-five to thirty-one. The

same bill during this session passed the senate and became a law.

Mr. E. C. Gross, the talented member from Essex county, died before the close of this session of the delirium tremens. One of the Albany daily papers thus spoke of the man and of his death.

"Mr. Gross was formerly a member of congress, and for the last two years had been in the assembly of this state. He was a man of great vigor of mind, as may be known from the fact, that during this session, it has been a common remark, *that he was the ablest man in the house.* Whenever he spoke, which was not often, he was listened to with marked attention, and he had an influence corresponding with the high opinion entertained of him. His speech at the commencement of the session, in support of his resolution to abrogate the two-third provision in the constitution, received the highest applause from all who heard or read it. As a man, he was held in high regard, and many tears of friendship will bedew his grave."

He was the victim of intemperance.

On the 4th of May, Gen. Robert Bogardus, an upright and honorable man, resigned his seat in the senate, alleging as a reason that the avails of his professional business, were necessary for the support of his family, and that his longer continuance in the senate would produce a total sacrifice of that business. His withdrawal from the legislature was universally regretted.

The legislature, after the longest session before that time ever held, adjourned on the 5th of May, after passing more than three hundred laws, re-chartering a great number of banks and chartering eleven new ones.

The venerable John Jay died on the 17th of May, at his mansion house in Bedford, at the advanced age of eighty-three years. Although he had been "long remembered," he was not entirely forgotten. The supreme court

being in session in New York, the gentlemen of the bar held a meeting, of which David B. Ogden was chairman, and John Suydam was secretary, and at which a committee was appointed, consisting of Greene C. Bronson, James Tallmadge, J. A. Spencer, D. S. Jones, G. Griffin, and J. J. Rosevelt, who reported, among others, the following resolution, which was unanimously adopted:

"*Resolved*, That the members of this bar are impressed with deep grief upon the decease of their illustrious brother, John Jay. They find, however, a consolation in the reflection, that his conduct through a long and useful life, has given a lustre to our profession, and to this bar; and that while his character for private virtues and public worth has justly endeared him to the nation, his patriotism, his great talents as a statesman, and his great acquirements as a jurist—his eminent piety as a Christian, and probity as a man, all unite to present him to the public as an example whose radiance points to the attainment of excellence."

The memory of this great and good man will be embalmed in the heart of every true friend to liberty, virtue and the honor and prosperity of the State of New York and her civil institutions, as long as the history of this state and nation shall be known and read.

Notwithstanding Gen. Jackson had, in his letter of advice to Mr. Monroe, counselled him that the period had arrived when the executive authority of the nation might with propriety avail itself of the services of every citizen, without regard to the political party of which he had been a member, he had, in his inaugural address, expressed a determination to effect a thorough reform in the government. The reform to which he alluded was explained by Mr. Duff Green, the government printer, to mean a "*searching*" inquiry for all those in office who had opposed his election, with a view to their removal. The



determination was most rigidly carried into effect. Removals were general and numerous, not only as respected the great officers of state, but the petty officers of the customs, their clerks and tide waiters, and most of the deputy post-masters, were made to feel the effects of the reformation. This thorough and universal change was imputed, and perhaps with some justice, to the influence of Mr. Van Buren, who it was said, was introducing into the national government party discipline and the New York system of rewards and punishments.

The course pursued by Mr. Adams was directly the reverse. In general, when offices became vacant by death or resignation, the vacancies were filled by the friends of the administration; but he utterly refused to make removals exclusively on the ground of the political principles of the incumbents.

Parties will exist in every free government, and such have become the habits of thinking of the members of both the great political parties in the state of New York, that (whether it be wrong or right is not now the question) I much doubt if any party can sustain itself here which does not remove its opponents when it has the power of doing so and appoint its own friends in their place. The event proved that a majority of the people condemned the course pursued by Mr. Adams, and approved of that of General Jackson.

John Becker, sheriff of the county of Albany, was removed from office by Gov. Throop, for official misconduct. This was the second instance of the removal of an officer by the governor under the new constitution. The first was the removal of Bruce, sheriff of Niagara, by Governor Clinton, for a participation in, or an official connivance at, the abduction of Morgan. Both removals received the sanction and approbation of the public.

In the month of September, Judge Birdsall resigned the office of judge of the eighth circuit, and for the purpose of supplying that and other vacancies, Gov. Throop, by proclamation, convened the senate in the city of New-York on the 22d of September, at which time and place the senate, by adjournment, were in session as a court of errors. On the 23d of September, Addison Gardner of Rochester was nominated and appointed the successor of Judge Birdsall. This appointment was a good one, and was well received in the eighth district.

I cannot omit to mention in this place the sudden and lamented death of that eminent and learned lawyer John V. Henry, who, it will be recollected, was appointed comptroller of the state by Gov. Jay, and held that office until removed by the council of appointment, in 1801. Of Mr. Henry's public character, and of his determination to retire from political life and political contests, taken at the time of his removal, I have before spoken. I have now only to say that he strictly and religiously kept that resolution; and by his assiduous application to the duties of his profession, and his distinguished talents and high and deserved character for integrity and honor, acquired as a citizen and a lawyer a most enviable reputation. The great superiority of Mr. Henry as an advocate, consisted in his skill in condensing his argument—in saying every thing which could be said in favor of the position he wished to establish, with the fewest possible number of words. These words were selected in the best possible manner. He never used a single word but such as was the very best to express precisely the idea he desired to impress on the mind of his hearer. Of course, he was neither florid nor brilliant, but luminous and strictly logical, and at times powerfully eloquent.

The account of his death is thus given in an Albany daily paper of the 23d October:



"This distinguished man is no more. He attended the supreme court on Wednesday morning, and on his way from there about 11 o'clock, when opposite the house of Chandler Starr in State-street, was seized with an apoplectit fit. He was taken into Mr. Starr's, and medical aid was immediately rendered. He lingered till half past two o'clock yesterday afternoon, when his mighty spirit was yielded up to the God who gave it. His age was about sixty-four.

"The death of HENRY is a public calamity. The tears which his family shed over his lifeless form, fall not alone. Those who respect the probity, the independence, the gallant bearing, and the high talent which sometimes redeem human nature from suspicion, must also lament the fall of such a man as this, in whom these traits were so happily combined.

"And so depart with a fearful rapidity, the sages, the statesmen, and the jurists of our day. Clinton, and Wells, and Emmet, and Henry, have in their turn ceased to be. And what a lesson to mankind do their sudden deaths impart. One by one the wise and the virtuous fall into the deep gulph of time, and yet thousands tread thoughtlessly upon the solemn verge.

"What a close for the active and healthful spirit of the man, who yesterday was the idol of his friends, the ornament of his native city, the pride of the bar, the eloquent defender of the oppressed.

"What a sad duty is this which friendship performs, to cast its cypress wreath upon the grave of the truest and the best, when much more dear would have been the grateful office of crowning his living forehead with laurels, and of bestowing upon living merit, the chaste eulogy of deserved praise.

"The supreme court of this state, which is in session in the city of Albany, adjourned on Friday without doing

any business in consequence of the death of JOHN. V. HENRY.

"On the opening of the court, Daniel Cady, Esq. arose and observed that the duty had devolved upon him to announce to the court the sudden death of Mr. Henry, a senior and most distinguished member of the bar. This awful, and to the family of the deceased, afflicting dispen sation of Providence, was so sensibly felt by the members of the bar in attendance upon the court, as to unfit them for the discharge of their ordinary duties; and satisfied that the court must participate in those feelings, he was induced to move that they adjourn until to-morrow.

"The chief justice, after observing that the motion made accorded well with the feelings of the court, who deemed it due to the memory of so distinguished a man as Mr. Henry, that this mark of respect should be shown, directed the court to be adjourned until to-morrow morning."

The November election exhibited an overwhelming majority in favor of the Jackson candidates. Seven of the eight senatorial districts elected Jackson senators, and some of them by very large majorities. Mr. Beardsley, in the sixth, received about six thousand majority. That majority, however, was somewhat increased by his personal popularity in his own county, (Otsego,) where he obtained more than twelve hundred majority over his opponent, Mr. Mumford, the anti-masonic candidate. Two years before, the county of Otsego had returned anti-masonic members to the assembly. This year the average Jackson majority was above one thousand. In the assembly too, the Jackson party elected a very large majority.

The result of this election showed pretty satisfactorily, that the anti-masonic excitement could not be made to extend, in this state, much beyond the eighth district. which was the immediate theatre of the outrage committed on the unfortunate Morgan. Hence this district re-

ceived the appellation of "*the infected district.*" The anti-masons of the west had attempted to create a state and national party, as we have seen in another part of these sketches, and when that was perceived, many, and I may say, nearly all the masons belonging to the Adams party, alarmed at what they believed to be the proscriptive spirit of anti-masonry, preferred the ascendancy of the Albany Regency to the domination of anti-masons, and either secretly or openly exerted their influence and cast their votes in favor of the Jackson party. This circumstance swelled the Jackson majority; and probably some politicians of that party were deceived by this appearance of strength, some part of which was in fact adventitious, and ready and disposed at any favorable moment to wage a fierce war against them.

The senators chosen at this election were:

From the first District, Alpheus Sherman, and Jonathan S. Conkling,
" Second do., Nathaniel P. Tallmadge,
" Third do., William Dietz,
" Fourth do., Isaac Geer,
" Fifth do., Alvin Bronson,
" Sixth do., Levi Beardsley,
" Seventh do., Thomas Armstrong,
" Eighth do., Albert H. Tracy.

All these gentlemen were decided Jackson men, except Mr. Tracy.

CHAPTER XXXVI.

[From Jan. 1, 1830, to Jan. 1, 1831.]

A LARGE portion of the acting governor's annual message consisted in a presentation of his views on the penitentiary system and the criminal laws of the state of New-York. His remarks on that subject are very judicious, and are creditable to him as a statesman and philanthropist.

He thinks the punishment of death ought not to be inflicted for any species of burglary, and that that dreadful penalty ought to be reserved for the crimes of murder and treason only. May not some other punishment be substituted, even in these cases, less distressing and less agonising to the feelings of civilized man? When this message was delivered, no suitable provisions were made by law for the care and support of insane persons. The governor makes the following impressive and eloquent appeal in behalf of that unfortunate class of human beings:

"By the census of 1825, it was ascertained that there were at the time eight hundred and nineteen insane persons in the state. Of these, two hundred and sixty-three were of sufficient ability to pay for their own support; two hundred and eight were in jail or supported by charity; leaving three hundred and forty-eight insane paupers at large, a terror to others, and suffering, in addition to mental derangement, all the privations attending penury and want. The condition of those under poor-house regulations, or confined in jails, is, if possible, worse. No person of sensibility can look upon these sufferers, in their small cells, surrounded by a bad atmosphere, sometimes chained to the walls, and witness their dejected or wild

adness, without a feeling of
e hoped for under such cir-
nces are not rare, of persons
curable maniacs by these in-

being made by the state in
and wishes which this appeal
tion.

cinct and pretty clear view of
e alludes to the fact that the
process of diminution, and
ient to defray the ordinary

ugmented, at no distant day, from a new source. The uties upon the importation of merchandise are secured by ie constitution of the United States to the general gov-rnment, and have been its great source of revenue for all urposes. In a very few years the national debt will be aid off, and as but a small portion of the revenue will be onsumed in conducting the affairs of the Union, within he constitutional limits, and as there are prudential rea-ons for continuing the duties to a certain extent, there an be no valid objection to the distribution of the surplus evenue among the states, to be disposed of at their dis-retion. If constitutional obstacles exist against the mea-ure, they may be removed by constitutional means."

The governor here asserts that "there are prudential easons for continuing the duties to a greater extent" than vill be necessary to defray the expenses of the general overnment, and he says, "There can be no valid objec-ion to the distribution of the surplus revenue" [thus aised] "among the states, to be disposed of at their dis-retion." He adds, however, "*If* there are constitution-l objections, those objections may be removed," &c.

In the year 1817, a bill passed the two houses of con-ress for the distribution, among the several states, accord-ng to the ratio of the representation of each state in the opular branch of the national legislature, of the dividends o the United States which might accrue on seven millions f stock owned by the government in the bank of the Uni-ed States, to be expended under the direction of the gen-ral government by the consent of the respective states n constructing roads and canals.

The whole representation from this state, both in the enate and house of representatives, excepting only Gen. Root, and *all* the members from Pennsylvania, voted for his bill, which finally failed of becoming a law by the eto of Mr. Madison. But notwithstanding this deliberate



and all but unanimous opinion of the New-York and Pennsylvania members of congress as expressed by their votes, that the national government has a right to raise money by a direct or indirect tax, and pay back a portion of that tax to the people; certainly, even at that day, the correctness of that opinion ought to have been questioned, for at this time, I believe, it is universally conceded to be unconstitutional.* But the public lands were property not

* It is remarkable that that able, cautious and profound constitutional lawyer, James Madison, in his veto message, although the third section of the bill in question expressly provides for the distribution of the bank dividends among the states according to their representation in congress, does not even hint that he founds his objections to the bill upon the want of power in congress to distribute the public revenue. He rejects the bill, *because, in his judgment, congress had not the power to make roads and canals in the several states.* For the purpose of affording the reader a clear idea of this bill and Mr. Madison's objections, I have copied from the Journals of the house of representatives of 1817, the following entries:

"To the House of Representatives of the United States:

"Having considered the bill this day presented to me, entitled "An act to set apart and pledge certain funds for internal improvements," and which sets apart and pledges funds "for constructing roads and canals, and improving the navigation of water-courses in order to facilitate, promote and give security to internal commerce among the several states, and to render more easy and less expensive the means and provisions for the common defence;" I am constrained, by the insuperable difficulty I feel in reconciling the bill with the constitution of the United States, to return it with that objection, to the house of representatives, in which it originated.

"The legislative powers vested in congress are specified and enumerated in the eighth section of the first article of the constitution; and it does not appear that the power proposed to be exercised by the bill is among the enumerated powers; or that it falls, by any just interpretation, within the power to make laws necessary and proper for carrying into execution those or other powers vested by the constitution in the government of the United States.

"The power to regulate commerce among the several states,' cannot include a power to construct roads and canals, and to improve the navigation of water-courses, in order to facilitate, promote and secure such a commerce, without a latitude of construction departing from the ordinary import of the terms, strengthened by the known inconveniences which doubtless led to the grant of this remedial power to congress.

"To refer the power in question to the clause 'to provide for the common defence and general welfare,' would be contrary to the established and consistent rules of interpretation; as rendering the special and careful enumeration of powers, which follow the clause, nugatory and improper. Such a view of the constitution would have the effect of giving to congress a general power of legislation, instead of the defined and limited one hitherto understood to belong to them; the terms 'common defence and general welfare' embracing every object and act within the purview of a legislative trust. It would have the effect of subjecting both the constitution and laws of the several states,

acquired by taxation, the greater part of them being owned and held by the nation before and at the time the constitution was adopted; and the question whether the partition or the division of the avails of the sale of these lands is constitutional, has been held, at least by one party, quite different from that which arises on a proposition to refund money raised by taxation.

The message of the governor on the whole is respectable, both in matter and manner. Its style, to whatever cause it may be owing, is greatly superior to that of his inaugural address, as well as several of his other productions.

in all cases not specifically exempted, to be superceded by laws of congress; it being expressly declared 'that the constitution of the United States, and laws made in pursuance thereof, shall be the supreme law of the land, and the judges of every state shall be bound thereby, any thing in the constitution or laws of any state to the contrary notwithstanding.' Such a view of the constitution, finally, would have the effect of excluding the judicial authority of the United States from its participation in guarding the boundary between the legislative powers of the general and the state governments; inasmuch as questions relating to the general welfare being questions of policy and expediency, are unsusceptible of judicial cognizance and decision.

"A restriction of the power 'to provide for the common defence and general welfare,' to cases which are to be provided for by the expenditure of money, would still leave within the legislative power of congress, all the great and most important measures of government; money being the ordinary and necessary means of carrying them into execution.

"If a general power to construct roads and canals, and to improve the navigation of water-courses, with the train of powers incident thereto, be not possessed by congress, the assent of the states in the mode provided in the bill can not confer the power. The only cases in which the consent and cession of particular states can extend the power of congress, are those specified and provided for in the constitution.

"I am not unaware of the great importance of roads and canals, and the improved navigation of water-courses; and that a power in the national legislature to provide for them might be exercised with signal advantage to the general prosperity. But seeing that such a power is not expressly given by the constitution; and believing that it can not be deduced from any part of it without an inadmissible latitude of construction, and a reliance on insufficient precedents; believing also that the permanent success of the constitution depends on a definite partition of powers between the general and the state government, and that no adequate land-marks would be left by the constructive extension of the powers of congress, as proposed in the bill, I have no option but to withhold my signature from it; and to cherishing the hope that its beneficial objects may be attained by a resort for the necessary powers, to the same wisdom and virtue in the nation which established the constitution in its actual form, and providently marked out, in the



The new members who this year entered the senate added considerably to the strength and talent of that branch of the government.

Mr. Levi Beardsley, from the sixth district, though by no means a showy politician or eloquent debater, was a man of sound mind, discriminating and clear in his views of principles and measures, firm and decided in his political action, and of industrious business habits. Mr. Bronson of Oswego county, was a very highly respectable practical merchant, possessing a mind greatly superior to ordinary men, which had been improved by considerable

instrument itself, a safe and practicable mode of improving it, as experience might suggest. JAMES MADISON.

"*March* 3, 1817.

'The house proceeded to the re-consideration of the said bill, which is in the following words:

"AN ACT *to set apart and pledge certain funds for internal improvement.*

"*Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That the sum to be paid to the United States by the twentieth section of the 'act to incorporate the subscribers to the bank of the United States,' and the dividends which shall arise from their shares in its capital stock, during the present term of twenty years, for which the proprietors thereof have been incorporated, be, and the same are hereby set apart and pledged as a fund for constructing roads and canals, and improving the navigation of water courses, in order to facilitate, promote and give security to internal commerce among the several states, and to render more easy and less expensive the means and provisions necessary for their common defence.

"Sec. 2. *And be it further enacted*, That the moneys constituting the said fund shall, from time to time, be applied in constructing, or to aid in constructing such roads or canals, or improving the navigation of such water courses, or both, in each state, as congress, with the assent of such state, shall by law direct, and in the manner most conducive to the general welfare; and the proportion of the said moneys to be expended on the objects aforesaid, in each state, shall be in the ratio of its representation, at the time of the apportionment hereinafter provided, in the most numerous branch of the national legislature: *Provided*, That the proportion of said fund, to be assigned to any state, or any part thereof, may, by the assent of such state, be applied to the purposes aforesaid in any other state.

"Sec. 3. *And be it further enacted*, That the said fund be put under the care of the secretary of the treasury for the time being; *and that it shall be his duty to apportion and divide the said fund, as it annually accrues, among the several states now existing, and such as may hereafter be admitted into the union, according to the then existing ratio of representation as before directed*; and to invest the same, so apportioned and divided, in the funded debt of the United States in the names of the respective states; and the funded debt so set apart in the names of the respective states shall be applied to the aforesaid objects, under the concurrent direction of congress, and the legislature

reading and reflection. Mr. Bronson, I believe, had formerly belonged to the federal party.

Of the talents of Mr. N. P. Tallmadge it is unnecessary to speak. Mr. Tallmadge had been a Clintonian, but he as well as Mr. Clinton supported General Jackson. Mr. Tallmadge and his relative, Gen. James Tallmadge, had been uniformly in Dutchess county the antagonists of Mr. Peter R. Livingston. The selection of Mr. Tallmadge as the successor of Mr. Livingston, must have been extremely unpleasant to the last named gentleman. Politics among the old families of the state were always more or

of the state interested; and he shall also lay before congress, at their annual session, the condition of the said fund.

"Sec. 4. *And be it further enacted*, That it shall also be the duty of the said secretary, unless otherwise directed, to vest the sum to be paid to the United States, by the twentieth section of the act to incorporate the bank of the United States, as it may fall due, in the stock of the United States; and also to lay before congress, at their annual session, the condition of said fund.

"Attest, H. CLAY,
"Speaker of the House of Representatives.
"JOHN GAILLARD,
"President of the Senate pro tempore.

"I certify that this act originated in the House of Representatives.
"TH: DOUGHERTY,
Clerk of the House of Representatives.

"The question was then taken in the mode prescribed in the constitution of the United States, 'that the house, on reconsideration do agree to pass the said bill,' the president's objections to the same to the contrary notwithstanding.

"And determined in the negative, as follows:

"*Yeas*—Messrs. Speaker, Alexander, Archer, Betts, Birdseye, Breckenridge, Brooks, Cady, Calhoun, Chappell, Clendennin, Comstock, Conner, Creighton, Culpopper, Forsyth, Gaston, Griffin, Hahn, Hall, Harrison, Henderson, Herbert, Hopkinson, Huger, Hulbert, Ingham, Irvin, N. Y., Johnson, Ky., Kent, Kerr, Va., Kilbourn, Little, Lovett, Lyle, Middleton, Milnor, Jer. Nelson, Ormsby, Peter, Pickering, Reynolds, Ross, Sav, age, Schenck, Sharp, Sheffey, Tate, Taylor, N. Y., Telfair, Wallace, Webster, Wendover, Whiteside, Wilde, Wilkin, Thomas Wilson, William Wilson, Yancey, Yates—sixty.

Nays—Messrs. Adams, Atherton, Baer, Baker, Barbour, Bassett, Blount, Boss, Bradbury, Carr, Ms., Clark, N. C. Clayton, Davenport, Desha, Dickens, Edwards, Fletcher, Forney, Goldsborough, Goodwyn, Hale, Hawes, Hungerford, Irwin, Pa., Jewett, Johnson Va., King, Law, Lowndes, Lyon, Wm. Maclay, Marsh, Mason, M'Coy, Mills, Hugh Nelson, Noyes, Parris, Pitkin, Pleasants, Reed, Root, Ruggles, Smith, Md. Southard, Stearns, Strong, Sturges, Tallmadge, Taul, Vose, Ward, Ms., Ward, N. Y., Ward, N. J., Wilcox, Williams—fifty-six.

"And so the said bill was *rejected*, two-thirds of the house not agreeing to pass the same."



less mingled with personal considerations and personal prejudices and predilections. Whether the neglect of his regency friends, in not inviting him to become a candidate for one of the high state offices; whether the early declaration of Mr. Clinton, that *he* was for General Jackson, and the continued, unabated hostility of Mr. Livingston to Mr. C.; or whether the bringing forward by his old political friends one of the Tallmadge family for his successor in the senate; or whether his attachment to Henry Clay, to whom Mr. L. was known to be personally very partial; or whether he was conscientiously of opinion that Gen. Jackson, from his education and habits, was wholly unfit for the high office of president; or indeed whether all these considerations jointly operated on his mind, Mr. Livingston, before he left the legislature, manifested some unwillingness to go with the majority of his party in support of Jackson, and soon after openly joined the opposition to the Jackson party in this state. He has continued a steady supporter of Mr. Clay ever since.

Mr. Albert H. Tracy, who by this time had become an anti-mason, and was elected by the anti-masonic party to the senate, had for many years, although now comparatively a young man, been a member of congress, and maintained a respectable standing there, both for talents and character. The mind of Mr. Tracy is very acute and subtle. He argues a question always ingeniously and sometimes ably. He is, however, in his mode of reasoning, both as a legislator and an expounder of the law, or as a member of the court of errors, something too fine spun to strike an ordinary mind. He is a better debater than statesman, and a better metaphysician than lawyer. As a politician we have already seen in him some indications of being governed by selfish considerations. Whether it was purely his horror of masonry which induced him to become an anti-mason, many of those well acquainted

with him pretend to doubt. Mr. Tracy however, was, and is, a man of much more than ordinary talent, possessing a highly cultivated mind and a very prepossessing address. His style, both as a speaker and writer, is neat and elegant.

In the assembly, among the most distinguished members of the majority, were General Root, Charles L. Livingston from New-York, A. C. Paige of Schenectady, and Aaron Vanderpoel from Columbia. Although Mr. V., as I before remarked, had been, until recently, a Clintonian federalist, he had now become identified with the democratic party, and was elected by that party from the county of Columbia.

Samuel S. Lush of Albany, and Luther Bradish of Franklin, may be said to have represented the national republican or Clay party in the assembly. The anti-masonic party had not increased their numbers in the assembly, but they had greatly added to the talents of that branch of the legislature. Mr. Granger, Mr. Fillmore, Mr. Nicholas and Mr. P. C. Fuller, were again returned. To these strong and powerful representatives in the assembly, they this year added Thurlow Weed of Monroe, and Abner Hazeltine of Chautauque county.

Gen. Root was again chosen speaker of the assembly. He received ninety-three votes, and Mr. Granger thirty. There were four blank votes, which were probably given by national republicans, who would not vote for Root, because he was a Jackson man; nor for Granger, because he was an anti-mason. Mr. Root, when conducted to the chair, made a concise and very appropriate address, one sentence of which I shall quote, because it points out clearly an excellent rule of judging what bills are majority bills, and what bills constitutionally require the votes of two-thirds of all the members elected. Mr. Root says: "But there is one question which often devolves on the



speaker, which is not unfrequently embarrassing—to decide whether a question comes within the constitutional provision requiring the assent of two-thirds of all the members elected to both houses. My rule has ever been, and shall continue to be, in cases of claims, to determine whether, if the state were sueable, the claimant could recover his demand either in law or equity. In that event, the payment of the claim is but the payment of a just debt, requiring only a majority to pass it: but if not recoverable, either in law or equity, the grant is but an act of bounty or munificence, and requires the assent of two-thirds of the members."

The term of service of Mr. Stebbins, as a senator, having expired, the office of president of the senate again became vacant, and William M. Oliver, of Yates county, was chosen to fill that station on the first day of the session of the legislature. The address of Mr. Oliver was modest, and in all respects proper, with one single exception. I regret that he should have deemed it necessary to refer by name to the political party to which he belonged and renew his oath of allegiance to that party. Gen. Root was the first presiding officer who, in an inaugural address, alluded to such a topic. Mr. Oliver, though not a brilliant, was and is a very shrewd, sagacious man, and useful legislator. His selections of members to compose the committees of the senate, were exceedingly judicious.

As soon as Mr. Charles Stebbins, in consequence of his term of service as senator, became eligible to receive an appointment from the governor and senate, he was appointed a bank commissioner on the part of the state. This was an excellent appointment, and was received well by the banks and by the public in general. George R. Davis of Troy, and James Rees of Geneva, were elected to the same office by the banks.

The New-York banks now petitioned the legislature for some modification of the safety fund law, and for charters under that act. Gen. Root declared his opposition to the safety fund law, and his chagrin at the conduct of the New-York banks, in so soon abandoning the ground they had taken, in opposition to the principles of banking prescribed by that statute; and he carried his opposition so far as to oppose the re-chartering of the New-York banks. Mr. Granger also declared his decided hostility to the safety fund system of banking, but manifested his willingness to charter the New-York banks, if they were desirous to obtain charters under regulations which he deemed impolitic and unjust.

It was alleged that Gen. Root had been an applicant for the office of bank commissioner, and had been an unsuccessful candidate. If I rightly recollect, Mr. Mann of Herkimer, charged this to be the fact, on the floor of the house, and insinuated that his opposition to the safety fund law grew out of the indignation he felt on account of his disappointment.* It is however certain that Gen. Jackson never was, with Mr. Root, a favorite candidate, and that for that and other causes, he had for some time past manifested cold and unkind feelings towards Mr. Van Buren. As the safety fund law was considered a favorite measure of Mr. Van Buren, and the only important one which distinguished his administration, may not Mr. Root's hostility against the measure have been sharpened and increased by a desire to render Mr. Van Buren unpopular? From this period we are to date the commencement of that opposition, on the part of Gen. Root, to the dominant party in the state, which resulted in his total separation from them.

The canal commissioners, on the 21st of January, sent to the assembly their annual report, in which they, among other things, stated that, in obedience to the act passed

* I believe this scene occurred at Washington, and not at Albany.

the preceding session, of which I have given an account in the last chapter, they had examined and again surveyed and explored the route for the Chenango canal, and that from the result of that examination they could not, consistent with the terms of the law, commence the construction of it. That it would cost more than a million of dollars, and that "in regard to its revenue, it would not produce an amount of tolls, in connection with the increased tolls on the Erie canal, that would be equal to the interest of its cost, and the expense of its repairs and superintendence, *or of either of them.*" Their report was long and able, and showed clearly that the conclusions to which they arrived were founded on facts and reasoning in which they could not be mistaken.* This report was followed by another from the comptroller, in which, in his own masterly, clear and convincing manner, with which the public are now well acquainted, he exhibited the condition of the funds of the state, and proved that the state ought not to incur any additional expenditures, without at the same time, providing for the means of defraying such expenses. It will be recollected that the governor's message tended to the same conclusion. But in the face of all these objections, the applicants for this improvement procured a bill to be introduced into the assembly peremptorily directing the canal commissioners to proceed in making the canal, which was vigorously and zealously supported by Mr. Granger. It was opposed by Mr. Mann and generally by the friends of the state government, and lost by a vote of sixty-one to fifty-one.

* The report of the commissioners, and at any rate, the part of it referred to in the text, was evidently drawn by Col. Young. It contained internal evidence that the commissioners had, with great pains and labor, faithfully discharged their duty. The firm and decided stand taken by Col. Young against the construction of this canal, notwithstanding the great pressure of influence which must have been brought to bear upon him, affords high evidence of his integrity as a public officer, and of independence as a man. Unhappily for the state, the estimates and predictions contained in the report of the commissioners have since, by experience, been proved literally and strictly correct.

On the 12th of February, Mr. Abraham Keyser was reappointed treasurer. He received in the senate twenty-two votes, and Mr. George Merchant four. In the assembly Mr. Merchant received twenty-three votes, and Mr. Keyser eighty-six. Mr. Merchant, from the year 1798, down to the late schism in the democratic ranks, had been a steady and leading republican, and was almost by prescription the chairman of the republican general committee. As he advanced in age, young and efficient men took the political field and bore away the spoils, leaving nothing for the worn out soldier. In his old age, therefore, he was fain to try his fortune in the ranks of the opposition. He did not live to enjoy the fruits of the victory which his new friends afterwards obtained. Had he have lived, it is very doubtful whether his success would have been better among his new than it had been among his old friends. Those who have the disposition of governmental patronage, are always inclined to bestow it in such a manner as to add the greatest amount of strength to the dominant party, or, to use the words of Mr. Van Buren, where "it will have a good *effect*." You want young men for war; old men, therefore, are generally overlooked in the division "of the spoils." Let no old man change his political position, unless he does it purely "for conscience' sake."

On the 12th of March, Mr. Lush of Albany, offered a resolution in the assembly, "instructing the bank committee to inquire as to the expediency of prohibiting the circulation of all bank notes of a less denomination than five dollars. Mr. Lush said the effect of such prohibition in Pennsylvania had been to throw out of circulation all the trash of small bills and give a wholesome specie currency, and he wished to obtain the views of the intelligent bank committee as to the propriety of adopting such a course here The resolution was adopted, forty-nine to twenty-three."

Mr. Lush from his boyhood to his death, claimed to be and was a uniform federalist. I notice the resolution, and the fact of the political party to which the mover belonged, because the democratic party have been charged with being the exclusive authors of the law restraining the issue of small bills by the banks, and because, in 1838, that party lost many thousands of votes in consequence of the restriction. Mr. Lush was the first advocate of the measure.

The master builders in New-York had for some time been endeavoring to obtain the passage of a law giving the mechanic a more effectual lien for remuneration for his labor and materials furnished by him in the erection of buildings in that city, upon the buildings themselves, and on the lots upon which they were respectively situated. Their efforts had not been attended with the success they desired. They therefore made some attempts to get up an excitement in their favor. They combined with their complaint on the subject to which I have referred, an allegation that the working men and operatives did not receive their due share of the offices and emoluments which were disposed of by the state government. Upon such ground they soon collected a considerable number of persons, who attempted to form themselves into a party, which they denominated THE WORKING MEN'S PARTY. They of course professed to recruit their ranks and be governed by principles independent and irrespective of the two great political parties in the state and nation, and of the anti-masonic party. Adhering masons and other men who could not or would not join the anti-masonic party, but who were opposed to the Albany Regency and the Jackson party, seeing no prospect of resuscitating the national republican party, flocked to the standard of the working men, and in New-York, Albany, Troy and Utica, and other cities and villages, parties were soon formed, consisting

as well of merchants, lawyers, physicians and speculators, as of operatives under the general cognomen of *working men*. They professed among other things, an opposition to the monopoly of banking, to banks and bank paper, although you might very soon perceive bank directors, clerks and cashiers figuring in their ranks. This party, if it deserves the name of a political party, was too disjointed, and composed of materials too heterogeneous to continue long in existence. The intelligent men who joined it were many of them zealous Clay men, and mingled with it for the purpose of preventing those who would not act with the anti-masons from acting with the Jackson party.

On the 16th of April, a great number of the citizens of Albany congregated at the capitol, and, styling themselves farmers, mechanics and *working men*, appointed Elisha Dorr chairman, and Halsey Woodruff and Arnold Nelson secretaries. After they had organized, they adopted several spirited resolutions, and nominated ERASTUS ROOT for governor.

Previous to this meeting, and on the 13th of February, a Jackson legislative caucus was held at the capitol, of which Judge Oliver was chairman. This meeting Gen. Root had attended, and on that occasion it was resolved to hold a state convention at Herkimer for the nomination of governor and lieutenant governor. Gen. Root was therefore honorably committed to abide and sustain the result of the Herkimer nomination. Either by accident or design the committee appointed to inform Mr. Root of his nomination by the working men did not require of him an answer whether he would accept the nomination. He therefore made no answer, and it is probable he was desirous that the question of his acceptance should remain open until after the Herkimer nomination. He evidently entertained expectations of being selected as the guberna-

torial candidate by the Jackson convention, but in case he should in that respect be disappointed he might be uncertain what course he should then pursue towards the working men. Or it is possible he might suppose that this strong expression of the working men in his favor might influence the minds of some of the refractory members of the Herkimer convention to support him, and he did not wish to do any act before the meeting of that body which might cool the ardor of the working men in his behalf. If he entertained these calculations, they were, in the month of June, interrupted by the proceedings of a meeting of working men in New-York, who concurred in the nomination made by their friends at Albany, and addressed a letter to Gen. Root, requesting to be informed whether he accepted the nomination. He could not refuse to reply to this request. His reply was couched in the most respectful terms—but he declined being a candidate principally on the ground, that he was in honor committed to support the nomination which was to be made by the Herkimer convention, provided that nomination was fairly made. He does not deny, but tacitly admits the allegation made by the New-York committee, of the existence of evils and the abuse of power, in the management of public concerns by the dominant party for the last twelve months. He recommends an attempt to *reform* in preference to an effort to *destroy* the party. "I would rather," says he, "advise a suspension of amputation till the malady becomes extreme."

Another consideration might have had its effect on the mind of General Root. He knew the anti-masons would vote for Mr. Granger, and he knew the force of discipline among the Jackson party, and that the great mass of them would vote for the candidate regularly nominated at the Herkimer convention. He, therefore, must have been very sure that, as the working men's candidate, he would

be defeated. He knew, too, that in case he failed of the nomination at Herkimer, he would be nominated and elected a member of congress. A less calculating man than General Root would have preferred the certainty of being elected a member of congress to the certainty of being a defeated candidate for governor.

The legislature adjourned on the 20th of April.

I ought perhaps to have stated, that at the legislative caucus held on the 13th of February, although Gen. Jackson had not then been in office a year, it was resolved that he ought to be again nominated for the presidency. This movement was probably made at the suggestion of Mr. Van Buren, or some of his confidential friends. It was well known that Mr. Van Buren expected to be the successor of Gen. Jackson. This would afford evidence of the ardent personal attachment of Mr. Van Buren's immediate friends to Gen. Jackson, and aid in securing to Van Buren the continued confidence and support of the president. It might also remove any jealousy from the mind of Jackson, that Van Buren was in such haste as to desire "to push him from his stool."

M. M. Noah, former editor of the National Advocate, and afterwards, in connexion with Colonel James Watson Webb, editor of the New-York Courier and Enquirer, was nominated by the president, surveyor of the port of New-York, and Amos Kendall, fourth auditor of the treasury. The nomination of Mr. Noah was rejected in the senate by a vote of twenty-five to twenty-three, and that of Mr Kendall was confirmed by the casting vote of the vice-president, (Mr. Calhoun.) From the subsequent political course of Maj. Noah, it is not improbable that he charged his rejection to the management or mismanagement of Mr. Van Buren. Much has been said, and indeed continues to be said and alleged against the character and merits of Mr. Noah; and although I can not speak much from per-

sonal knowledge of him, I may be allowed to remark, that in my judgment, many ill founded and undeserved animadversions have been made upon him. That his political, or rather his party principles, set rather loosely, too loosely, upon him, may be true; but he is frank, open and unreserved, generous and kind in his nature. As a writer, he certainly possesses talents of a high order; as a wit, he stands amongst the first in New-York, and perhaps in America. His sarcasm is not of that vindictive character which wounds your feelings, but is played off in that good natured style and manner, that if you are the subject of it, you can hardly fail of being amused by it, and of joining in the laugh against yourself.

The anti-masons held a state convention in August at Utica, for the nomination of state officers. Forty-eight counties were represented, and one hundred and four delegates were present. They unanimously nominated Francis Granger for governor, and they selected Samuel Stevens, a respectable lawyer of the city of New-York, as a candidate for lieutenant governor. Mr. Stevens was in some respects identified with the working men's party in New-York. He received eighty-four votes, while Mr. John Crary, who was a candidate for re-nomination, obtained but seventeen. This was a well merited rebuke for his conduct at the last gubernatorial election.

At the Herkimer convention, on the 8th September, a pretty fierce contest ensued between the friends of Gen. Root and Lieutenant Governor Throop. They first, in order to sound the individual views of the members, took an informal ballot, which resulted in seventy-eight votes for Throop, forty for Root, four for Savage, and one for Sanford. The friends of Root then made an effort to adjourn for a short time, which proved unsuccessful, and upon a second ballot Mr. Throop received ninety-three votes and was declared duly nominated. A resolution,

prepared by Mr. Silas Wright, that E. T. Throop was *unanimously* nominated, was opposed by the friends of Root—but finally passed with some modification. The convention also had some difficulty in selecting a candidate for lieutenant governor. But Edward P. Livingston finally received seventy-seven votes and was declared nominated. Mr. Jesse Buel received eleven votes, and Mr. John Tracy of Oxford, twenty-eight. Neither of these candidates could be said to be personally popular. Mr. Throop was not a favorite with the people. His manners were not fascinating, and although he was unquestionably a man of sound mind and good judgment, his talents were not of that brilliant kind calculated to procure for him admirers among any class of men. His best recommendation to his political friends was, that he was an unwavering and inflexible party man.

I have before remarked that Mr. Livingston was a dull, heavy minded man. He had all the aristocratic pride of his family without the briliant talents by which Peter R. Livingston and many others of its members were deservedly distinguished. In all respects he was the antipode of the imaginative and eloquent Peter R. Livingston.

After these nominations, a small portion of the working men who, I presume, were instigated by adhering masons, still persisted in holding up a candidate for governor, and a man by the name of Ezekiel Williams, of Cayuga county, was nominated for that office by a few persons who assembled in New-York. Others of the working men still persisted in a determination to support Gen. Root. The conduct of Mr. Root himself must have been rather equivocal, for so late as the 1st of October, Judge Bostwick and two other citizens of Delaware county, addressed him a note inquiring whether in reality he was a candidate for the office of governor. Mr. Root promptly answered this inquiry in the negative—but this I believe was after

or about the time he was nominated for congress. The correspondence was deemed of sufficient importance to be published. In a short time however after the Herkimer nominations were announced, the great mass of electors in the state declared themselves either for Throop or for Granger.

The result of the election astonished all men. It was as follows:

	Throop.	*Granger.*
First District,	15,108	10,957
Second District,	17,368	11,464
Third District,	17,647	11,673
Fourth District,	16,986	11,193
Fifth District,	18,765	14,498
Sixth District,	14,317	16,639
Seventh District,	15,218	17,052
Eighth District,	13,433	26,385
	128,842	120,361

Majority for Throop, 8,481.

Ezekiel Williams received 2,332 votes for governor

Every one was astounded at the prodigious vote given to Granger in the eighth district, while their surprise was not less at the strong vote obtained by Throop in the second, third, fourth and fifth districts. The change in the sixth district, which in 1829, gave Mr. Beardsley a majority of about six thousand, and which now gave Granger a majority of more than two thousand, was not less unexpected.

It was the masons of the counties bordering on the North river, and their influence, which gave Mr. Throop the election. So alarmed had they become at what they deemed the proscribing and persecuting spirit of anti-masonry, that much as they disapproved of Gen. Jackson, and the Albany Regency, they preferred even *their* an-

cendancy to the domination of anti-masonry. Thus the county of Rensselaer gave Throop one thousand nine hundred an eighteen majority; Albany upwards of nine hundred; Columbia more than eight hundred; Ulster and Orange together, over two thousand; Westchester one thousand seven hundred and seventy-seven; and Montgomery one thousand seven hundred and forty-nine. These majorities can not be accounted for on any other principle than the one I have suggested.

On the other hand it appears that the inhabitants in the valley of the Chenango abandoned their political principles and party partialities, for the purpose of manifesting their indignation at the opposition, by the Albany Regency, to their favorite canal project, and their gratitude to Mr. Granger. Thus the county of Chenango, which contained a legitimate Jackson majority of perhaps six hundred, gave Mr. Granger a majority of more than one thou sand. His majority in the little county of Broome was nearly as large. In point of fact, the electors of Chenango and Broome counties voted with a view to the local question in which they had, as they believed, so great and so absorbing an interest.

The following senators were chosen :

From the First District, Jonathan S. Conkling,
" Second do., David M. Westcott,
" Third do., Herman I. Quackenboss,
" Fourth do., William I. Dodge,
" Fifth do., Henry A. Foster,
" Sixth, do., Charles W. Lynde,
" Seventh, do., William H. Seward,
" Eighth do., Trumbull Cary and Philo C. Fuller.

It ought to be noted that during the winter of 1830 the anti-masons afforded the first indication of their design to



become a *state* political party. Until this period, according to the statement contained in Chapter XXXVIII. they had acted entirely from the impulse of feeling, produced by the outrage upon Morgan, and the danger they apprehended in the immediate vicinity of that outrage, from suffering the executive and judicial powers of that community to remain in the hands of masons, who had furnished such a demonstration of their determination to regulate their conduct according to the absurd rules and obligations of masonry, even when those obligations required them to violate the fundamental and most sacred provisions of the municipal law. But they now began to taste a little of the sweets of power, and it was savoury to their palate. They thought that the same powerful excitement which had given the eighth district thirteen thousand majority—a majority of about two to one—would in time extend itself through the state. Although, for causes which must be obvious to every reflecting man who has made himself acquainted with the history of popular excitements, they in this respect misjudged, it must be confessed that their measures were exceedingly judicious and well contrived for accomplishing the end they had in view. They sent to the legislature their most talented, worthy and influential citizens. Trumbull Cary and Robert C. Nicholas were men of wealth and personally very highly esteemed. William H. Seward, Albert H. Tracy, John C. Spencer, Francis Granger, William H. Maynard, John Birdsall and Millard Fillmore, were all men whose talents would have done credit to any deliberative body; and the address and eloquence of some of them would have added lustre to any legislative assembly in the world.

The anti-masons did not stop here. In the latter part of the winter of 1830, they established at the seat of government the ALBANY EVENING JOURNAL, under the editorial management of Thurlow Weed, then a member of

the assembly from the county of Monroe, and one of the most shrewd and sagacious political editors and eagle-eyed politicians the state of New-York ever produced. Mr. Weed was a self-made man. He had, when a boy, learned the mechanical art of printing at a small printing establishment in a country village; but at this period of his life, he gave little promise of becoming respectable, even as a mechanic; for his habits were extremely reckless, and he was indisposed to any regular course of industry. Influenced by a propensity for roving, or excited by youthful ardor, the bustle and parade of military life so far fascinated him, that in the early part of the late war with Great Britain, he enlisted as a private or a musician in one of the volunteer regiments of militia, and continued in the service during some part of that war. When, in 1815, peace was concluded and the corps to which he belonged was discharged, he was cast upon the world, without friends, without money, comparatively speaking, without education, and with habits illy calculated to advance him in life as a man of business. He was not disheartened. He resumed the trade which he had learned when a boy. He reformed his habits, and became industrious and economical. When, as a journeyman printer, he had established a character for industry and sobriety, and accumulated a small stock of funds, he established a newspaper in the county of Chenango; from thence he removed to the county of Onondaga, and shortly afterwards to Rochester, in the county of Monroe, where he printed and edited a Clintonian paper. In this place he acquired so much influence and standing by his talents as a writer and activity as a politician, that in 1824 he was elected one of the members of assembly from that county. When the outrage on Morgan was committed, he took a most decided stand against the masons, and his paper soon become a leading anti-masonic journal. He is now



the printer to the state. His faults as an editor and politician are, I regret to say, too common with the conductors of political papers of both parties; he pursues what he deems to be the interest of his party with too little regard to the feelings of his opponents; his attacks are severe, and sometimes more gross than is suited to the dignity which ought to characterize a leading political journal. But every thing written by him affords evidence of a powerful mind. His sarcasms are keen, and his wit is pungent. He knows how to touch the most sensitive part of his adversary. Every blow he strikes is felt. Few editors in America possess more of party tact than Thurlow Weed. He affords one decisive evidence of being, by nature, a great man. He has risen from an obscure situation in life to considerable eminence, and in all the positions which he has occupied, he has discovered new resources of mind, fully adequate to those powers which were requisite to successfully meet the exigency.

In this, as yet free country, no young man of talent and enterprise ought to entertain a doubt but that industry and patient perseverance will secure to him ultimate success.

Not long after the election in November, a meeting was got up in Buffalo, attended by Gen. P. B. Porter and Judge Rochester, at which very spirited resolutions were adopted in favor of the protection of American manufactures. There can be little doubt but that the object of this meeting was to prepare the public mind, in the state of New-York, for the support of Henry Clay as the next candidate for the presidency; for, a few days after, (Dec. 16,) a public meeting was held in the city of New-York, of which John L. Lawrence was chairman and Isaac Minard and Peter Sharpe secretaries, where Mr. Clay was publicly nominated for the presidency.

In the latter part of the summer of 1830, Nicholas F. Beck, adjutant general of the state, died at Albany. He

received his appointment from Gov. Clinton, and continued under his successors to hold the office until his death. Perhaps the death of no person of his age, (he was a young man and brother of the learned and estimable Dr. T. Romeyn Beck, principal of the Albany Academy,) would have been more felt or deeply lamented. He possessed respectable talents, and was one of the most amiable men, as a member of society, I ever knew.

When the office of adjutant general became vacant by the death of General Beck, Gov. Throop appointed Maj. John A. Dix, of Cooperstown, who had been one of the aids of Gen. Jacob Brown. Mr. Dix was, I believe, a native of New Hampshire. He had been regularly educated at one of the eastern colleges, and is justly distinguished for his classical knowledge and literary attainments. He is an accomplished and able writer. He was at Washington in the family of Gen. Brown in 1824–5, and so long as Mr. Calhoun was a candidate for the presidency, Mr. Dix, in common with most of the gentlemen of the army, was his zealous friend and supporter. Not long after the election of Mr. Adams, he married the daughter of a wealthy and respectable citizen of New-York and came to reside in this state. Soon after he came here he manifested a determination to support the party then in the majority in the state, and has ever since acted zealously with that party.

From the character and talents of Mr. Dix, and more especially from the knowledge he had acquired of military science while in the service of the United States, his selection by Gov. Throop as adjutant general was very judicious, and the appointment was generally approved of by the public.

CHAPTER XXXVII.

FROM JANUARY 1, 1831, TO JANUARY 1, 1832.

THE most distinguished member the late election brought into the senate was William H. Seward, the present governor of the state, who had been chosen by the anti-masonic party of the seventh district. Mr. Seward was quite a young man, I believe barely eligible to the office of senator. He had been bred and educated a democrat, and from the time he was of a sufficient age to take any part in the politics of the day, he had uniformily acted with the democratic party. When the anti-masonic question excited the attention of the people of Cayuga county, (the county in which he commenced his professional life,) he declared himself an anti-mason. In the summer of 1830, he was a delegate to the young men's anti-masonic state convention, which met at the city of Utica, and was chairman of that assembly.

It is not a little singular that so young a man should have been placed by any political party on the senatorial ticket. His nomination was probably owing to two causes. The first was his great personal popularity, and the second the improbability that any person nominated by the anti-masons would be elected. Had the election been considered as certain, or even probable, it is most likely that older men of greater influence would have solicited and obtained the nomination in preference to Mr. Seward.

Of the talents of Mr. Seward, I need not speak.

Mr. Foster of Oneida county, came this year into the senate. He possessed a respectable standing as a lawyer at Rome, which was then and now is his place of resi

dence, and he soon distinguished himself as an active and efficient legislator. Mr. Dodge, from Montgomery county, another new member, also was a practising lawyer. Both these gentlemen were zealous supporters of the administration of General Jackson.

In the assembly the anti-masonic party, although they had lost Mr. Granger, had selected in his place Mr. John C. Spencer, a gentleman whose great talents and industry were then, as now, well known and universally admitted. But either owing to a defect in personal address, or to an acerbity of temper and disposition, or a lack of prudence and discretion, or the union of all or the greater part of these causes, Mr. Spencer's personal influence in the assembly was far less than Mr. Granger's had been.

John Birdsall, from Chautauque, late circuit judge, also added to the strength of the anti-masonic party in the assembly.

The Jackson party was, I think, better represented in the assembly than it had been the year before. Charles E. Livingston was again returned from the city of New-York, and Peter Robinson from the county of Broome. There were also several new members, whose talents and character added strength and respectability to the party in the house. Among these may be mentioned Dudley Selden, from the city of New-York, a young man already distinguished for his legal learning and eloquence at the bar; E. B. Morehouse of Otsego; George R. Davis of Rensselaer; Schuyler Crippen of Otsego; and John W. Edmonds of Columbia.

General Davis of Rensselaer county, was chosen speaker. He received ninety-one votes, and Mr. J. C. Spencer thirty, a vote which I presume exhibits the relative strength of parties in the house.

I am not advised what were the proceedings in the caucus of the Jackson members on the evening previous to

the meeting of the legislature. As Mr. Robinson had once before been speaker, one would naturally expect that in the absence of General Root, he would have been selected; but laying out of view the superior talents of General Davis, I can readily imagine that from the great vote given at the last election for Mr. Granger in Broome county, Mr. Robinson may have been suspected of having either directly or indirectly aided that defection; and such a suspicion was sufficient to prevent his nomination as speaker.

The governor, in his annual message, introduces himself to the legislature by applauding the national administration, and speaking in the most flattering terms of Gen. Jackson, particularly of his late veto message of the Mayville road bill. He then speaks of the foreign relations of the United States and eulogizes our civil institutions. He informs the legislature of the continued encroachment upon the general fund, and recommends in substance, though not in words, that that fund be re-imbursed by taxation. He again refers to the distribution of the surplus revenue of the nation, which he now unreservedly recommends. On this subject, the governor says:

"In reference to the subject of revenue and internal improvements, I submitted to the consideration of the last legislature, the propriety of taking measures to procure a distribution of the surplus revenue of the United States. The same suggestion was made by the president to congress, in his first message, and has been renewed by him in his late communication to that body. I find also that one of my most distinguished predecessors alluded to the same subject in his message in 1827. I esteem it of sufficient importance to renew the suggestion, and press it earnestly upon your consideration. We have the fullest assurance that the president will steadily adhere to his doctrines regarding the power of congress over roads and ca-







nals, so that the paymen' of the national debt, except the three per cents, will be provided for within three years."

On the subject of capital punishment, Mr. Throop submits the following, in my judgment, exceedingly judicious remarks:

"While I renew the suggestion, that the punishment by death for arson is incompatible with the philanthropy of the age, I am impelled to add, waiving the question in casuistry, whether it is proper in any case to take life, that the punishment of death, in all cases of mere technical murder, is unreasonably severe. I have adhered to a sense of duty, in refusing to stay execution, in every case of clear murder within the existing laws; while I have sometimes felt that the measure of punishment was disproportionately severe for the crime. I think that a portion of your time might be well employed in the inquiry whether the crime of murder can not be so defined, or the punishment for the minor species of it so modified, as to limit the punishment of death to cases of actual premeditated homicide."

He recommends substantially the abolition of imprisonment for debt.

The message is too long. It occupies more than twenty pages, finely printed, in the senate journal. But excepting the recommendation of a distribution of the surplus of the national revenue among the states, an error, if it be one, of which the governor partook in common, at that day, with almost every other man, I think the principles it puts forth and the measures it recommends are all of them excellent. It is well written, and the style is unexceptionable, if not admirable. In comparing it with the proclamation for thanksgiving, written but little more than a month before this message was sent to the legislature, the difference between them is so striking as to excite a doubt whether the latter was the work of his own unaided powers

The address of the speaker (Gen. Davis,) on taking the chair, was modest, neat and elegant. Indeed I think it the most perfect model for addresses on such an occasion, which ever came under my notice.

Very soon after the legislature convened, indications were made, both by members of the legislature and in our cities and villages, to organize a Clay party ready to take the field at the presidential election in 1832. It was well settled that a national convention should be held for the nomination of a presidential candidate in opposition to Gen. Jackson, and it was equally well understood that Mr. Clay would be that candidate. The distinctive grounds on which it was proposed to put the claims of Mr. Clay, were that he was the great champion for the protection of domestic manufactures, the personal unfitness of Gen. Jackson for the proper execution of the office, and the superior fitness of Mr. Clay. It was first proposed to hold a state convention for the choice of delegates to the national convention on the 10th of March, but the meeting of the convention was finally postponed to the 3d day of June.

The term of service of Mr. Sanford in the United States senate would expire on the fourth of March, and as it was I believe at the time of his election, understood that his political life was to terminate at the expiration of his senatorial term, the democratic party, upon casting about for his successor, soon fixed, with great unanimity, upon William L. Marcy, then a judge of the supreme court. Mr. Marcy, from the time he entered the political field, had been the confidential friend of Mr. Van Buren. That he possessed intellectual power of high order, is now universally admitted. He was a scholar, "and a good and ripe one," and as an accomplished and able political writer, if he be not superior, I must be grossly mistaken if he is inferior to any individual belonging to either of

the political parties in the state. The elevation of his mind has always restrained him even when highly excited by the bitterness of party controversy from every thing virulent or abusive.

He was, on the 1st day of February, chosen senator by a very strong vote in both houses of the legislature. In his communication to that body advising them that he accepted the nomination, he stated, that if from a want of capacity he should fail of properly discharging his duties, he should have at least some consolation growing out of the recollection that he had not sought the office. Although I did not belong to the political party with which Judge Marcy was associated, I happened to know that this statement was strictly true, and that he resigned the office of a judge of the supreme court, (in the discharge of the duties of which, during the short time he sat on the bench, he acquitted himself in a manner satisfactory to the bar and the public, and afforded decisive evidence of integrity and impartiality,) and accepted that of senator with great hesitation and reluctance.

Samuel Nelson, the present chief justice, then circuit judge of the sixth circuit, was appointed a judge of the supreme court, in lieu of Mr. Marcy. This left a vacancy in the office of judge of that circuit. Mr. Beardsley, of Otsego, would probably have been a candidate, and ought to have been appointed to that office, had he not been constitutionally ineligible on account of his being at that time a member of the legislature. The governor, in the first instance, nominated John Tracy, of Chenango, for a judge of the sixth circuit. Mr. Tracy, though a man of fair reputation and respectable talents, was not highly distinguished as a lawyer. It will be recollected that, at the Herkimer convention he was supported, I presume, by the delegates from the valley of the Chenango, as the democratic candidate for lieutenant governor, and it is not im-

probable that this appointment was now offered him with a view to sooth and satisfy his friends, and to convince the advocates of the Chenango canal, that if the democratic party were unwilling to make a canal for them, they were at least willing to give some of them offices, when circumstances placed it in their power to do so. But the Chenango canal applicants were not thus to be satisfied. Mr. Tracy refused to accept the appointment.

The governor, upon receiving notice that Mr. Tracy declined the office, appointed Robert Monell, then a member of congress from the county of Chenango. He accepted the office, and is the present judge of the sixth circuit. Mr. Monell is a man of excellent good sense, frank and generous in his nature, and strictly honest and impartial. He possesses a good legal mind, but is constitutionally averse to laborious mental application. Hence it is impossible that he can dispatch business rapidly, and at the same time correctly, as a *Nisi Prius* judge. No man at this day can be an efficient judge without he continues to be an industrious and laborious student at law. ROBERT CAMPBELL of Cooperstown, a man of great purity of character, was unquestionably the most learned and industrious lawyer at that time in the district. I do not know whether he would have accepted the appointment if it had been tendered to him, but there were two objections against him, had he been a candidate. The one was, although I believe he was then a Jackson man, he had until recently acted against the democratic party, and the other that he did not live in the valley of the Chenango canal. During this winter, James Emott, judge of the second circuit, resigned his office, and the governor and senate appointed Charles H. Ruggles his successor. Mr. Ruggles had, when the contest was between the Clintonians and Bucktails, been an active and influential Clintonian, but, with Gov. Clinton, he supported the election of Gen. Jackson,

and since that time had acted with the Jackson party. He has been an exceedingly useful judge, and is now one of the most distinguished jurists in the state. The appointment was in the first instance offered to Mr. Suydam, who, probably from a consciousness that his business habits had become too much impaired for the proper discharge of the duties appertaining to the office, declined it.

The charter of the bank of the United States would, according to its own limitation, expire in the year 1836—and Gen. Jackson, in his message to congress, in anticipation that that institution would apply for a renewal of its charter, had expressed an opinion adverse to that measure.

On the first day of February, Mr. Benton of Missouri, submitted to the senate of the United States, "the following joint resolution, and supported it in a speech of two hours and a half, in which he justified himself for bringing it forward at this time, and earnestly urged his objections to the renewal of the charter of the bank:

"*Resolved, By the Senate and House of Representatives of the United States of America in Congress assembled,* That the charter of the bank of the United States ought not to be renewed.

"Mr. Webster called for the yeas and nays on the question to grant leave for the introduction of the above joint resolution; and the vote was as follows:

"*Yeas*—Messrs. Barnard, Benton, Bibb, Brown, Dickerson, Dudley, Forsyth, Grundy, Hayne, Iredell, King, M'Kinley, Poindexter, Sanford, Smith of S. C., Tazewell, Troup, Tyler, White, Woodbury—twenty.

"*Nays*—Messrs. Barton, Bell, Burnet, Chase, Clayton, Foot, Frelinghuysen, Hendricks, Holmes, Johnston, Knight, Livingston, Marks, Noble, Robbins, Robinson, Ruggles, Seymour, Silsbee, Smith of Maryland, Sprague, Webster, Willey—twenty-three."



The opinion of the president on this subject, succeeded as it was, by this discussion in the United States senate, roused the attention of the people of the United States to this great question, and the two parties very soon took different sides on it. The personal and political friends of Gen. Jackson generally declared themselves opposed to a re-charter of the bank. In this position they were supported by another interest, which was or ought to have been entirely detached from each of the political parties. The interest to which I allude, was the local banks chartered by the different states, and especially the safety fund banks of New-York. More than two-thirds of the revenue of the United States, amounting to many millions annually, was paid into the United States Branch Bank, and when there, was under the absolute control of the mother bank at Philadelphia. The state banks believed, that if the United States Bank should be annihilated, these immense deposits would be made in their own vaults, and hence all the benefits arising from these deposits, and also the whole profits of the very great circulation of United States Bank notes would be transferred from the United States to the state banks, without compelling them to increase their own capital to the amount of a single dollar. Was it in human nature, and especially, was it in *bank nature*, (if such an expression may be tolerated,) to resist this prospect of adding to their gains? Although probably a majority of the stock of the banks of the state of New-York was held by citizens politically opposed to Gen. Jackson, nearly all of those citizens either directly or indirectly supported him in his opposition to the re-charter of the bank. There were others, as well of the friends, as some of the opponents of the national administration, who opposed a continuance of the existence of the United States Bank upon higher and more exalted motives. Some of these believed that congress had not, by the constitution

the power to create a corporation; others believed the power of controlling the whole moneyed concerns of this country, and of increasing and diminishing at pleasure the circulating medium of the nation, was too tremendous an authority to be entrusted to twenty-five men; while all intelligent New-Yorkers agreed, that this charter enabled a corporation, located in Philadelphia, a majority of whose acting directors resided in that city, to exercise a dangerous power over the moneyed and mercantile operations of the great city of New-York. Many honest and patriotic citizens were also apprehensive that such a formidable money power might have, and might be disposed to exercise, an undue influence in the government and legislation of the country.

The greater part of the Jackson members of the New-York legislature were inclined, for these and other reasons, to support Gen. Jackson in the ground he had taken against the United States bank. Accordingly Mr. Morehouse of Otsego, on the fourth day of March, moved in the assembly the following concurrent resolution:

"*Resolved*, That it is the sentiment of this legislature, that the charter of the bank of the United States ought not to be renewed."

On the 12th of April, the house proceeded to consider the resolution. It was opposed by Messrs. Livingston and Selden of New-York, and Mr. J. C. Spencer. Mr. Selden made a very able speech against it, and moved its postponement till after the day fixed for the termination of the session. Mr. Selden's motion finally failed, there being fifty-five for and fifty-five against it.

On the seventh of April, Mr. Morehouse again called up his resolution and made an elaborate and able speech in favor of its adoption. It was then carried by a vote of seventy-three to thirty-three. By this time nearly the whole Jackson party in the house had united in support

of the resolution; those who voted in the negative were nearly all either national republicans or anti-masons. Mr. Livingston and Mr. Selden, two of the most distinguished members from the city of New-York, did, however, notwithstanding the matter had now worked itself into a party question, vote in the negative. When the resolution came into the senate, it was opposed with great zeal and ability in that body by Mr. Maynard and Mr. Seward, but was finally passed by a vote of seventeen to thirteen. The only democratic members of the senate who voted in the negative, were Mr. Sherman of New-York, Mr. Rexford of Delaware, and Mr. Bronson of Oswego.

Mr. Hubbard, from Chenango, early in the session, made a report in favor of constructing the Chenango canal, and introduced a bill for that purpose; but it was lost in the senate by a vote of sixteen to fourteen, all the anti-masonic senators and only five of the democratic senators voting for it.

Mr. Samuel Beardsley having been elected a member of congress from the county of Oneida, resigned his office as United States district attorney, and Mr. N. S. Benton, of the New-York senate, was appointed in his place. Mr. Benton, though a little rough and harsh in his address, had become a leading and efficient member of the senate. His seat of course became vacant upon his acceptance of an office under the government of the United States.

About this time Elbert Herring, of New-York, was appointed by the president, superintendent of the Indian department. The circumstance would not deserve to be mentioned, if it were not that Mr. Herring was one of the old friends of Gov. Clinton, who had followed him in all the vicissitudes of his political fortunes, and that this was the first and I believe the only appointment made by Gen. Jackson, from that class of politicians, in the state. If this appointment was made under the advisement of Mr.

Van Buren, it strikes me he must have known that there were other friends of the late governor who were Jackson men, and who were more talented and more efficient than Mr. Herring.

It is not a little remarkable, that on the 10th day of March, the following resolution passed the assembly without a division:

"*Resolved*, (if the senate concur herein,) That the surplus revenues of the United States, beyond what shall be deemed by congress necessary for the expenses of the general government, and a proper provision for public defence and safety, ought to be annually distributed among the several states, according to their population, to be estimated in the manner pointed out by the second section of the first article of the constitution for the apportionment of representatives and direct taxes."

It was sent to the senate, but was by that body referred to a select committee of which Mr. Benton was chairman, who, on the 4th of April, made a long and able report, in which they discussed the constitutional question in relation to the powers of congress to make the proposed dividend without decidedly expressing their own views on the question. They expressed unequivocally their approbation of the principle contained in the resolution, and recommended that if doubts existed of the constitutional powers of the national legislature to provide by law for dividing among the states the surplus revenue, the constitution ought to be so amended as to obviate those doubts. [*Senate Documents of* 1831, *Document* 79.] The report and resolution were laid on the table, and it does not appear that the subject was again taken into consideration.

The legislature adjourned on the 20th of April; but before the adjournment, the Jackson members held a caucus, at which an address was reported to them by Mr. Beardsley, which was adopted and published.

Gen. Jackson had, before his election in 1828, expressed an opinion that the president ought to hold his office but one term, and in one or more of his official communications to congress had recommended an amendment of the United States constitution in such manner as to render the president ineligible to two successive elections. But we have seen that, notwithstanding these declarations, his political friends urged him to consent to be a candidate for a re-election, and in 1831 it was well known he had yielded to their importunity and was considered fairly in the field. It will be recollected that in 1824, Mr. Calhoun was, for a time, spoken of as the most suitable person to succeed Mr. Monroe, and that previous to the election he declined being a candidate, and supported the election of Gen. Jackson. From that circumstance, and from his great and commanding talents and the purity of his character, it was natural that he should be one of the persons to whom the public attention would be directed as the successor of the general. And it is more than probable that the friends of Mr. Calhoun expected, from the repeated annunciations of the principles of Gen. Jackson, that he would not, under ordinary circumstances, allow himself to be again a candidate. If such were their feelings and views they could not have learned with much complacency nor scarcely without surprise, that the president had changed his determination. Accordingly it will have been perceived that the solicitations that Gen. Jackson would consent to a re-election, originated generally with the friends of Mr. Van Buren. A majority of the national cabinet, as between Mr. Van Buren and Mr. Calhoun, were in favor of the latter gentleman as the successor of Gen. Jackson.

The cabinet consisted of Van Buren, Eaton, Ingham, Branch and Berrien. The three gentlemen last named were favorable to Calhoun; Mr. Eaton and Gen. Jackson

himself partly, if not entirely, from a disagreement growing out of a circumstance I am about to mention, were opposed to him.

Mr. Eaton had married the widow of a midshipman by the name of Timberlake, who, although an elegant and fascinating woman, on account of some supposed irregularities, when she was the wife of Timberlake, the ladies at Washington refused to admit as a member of their social circle. Mrs. Calhoun, Mrs. Ingham, Mrs. Branch, and Mrs. Berrien, in conformity to what was deemed the public opinion of the female society at Washington, refused to associate with Mrs. Eaton, or to visit or invite visits from her. Mr. Van Buren being a widower, was not bound to take any part in this controversy, and he of course kept out of it. Gen. Jackson, who was an ardent personal friend of Maj. Eaton, could not so far restrain his feelings as to remain neutral, as appears by the following statement made by Mr. Ingham, in which Messrs. Berrien and Branch concurred :

"On Wednesday, the 27th January, 1830, Col. Johnson, of Kentucky, waited on me in the treasury department, and after some preliminary conversation, in which he expressed his regret that my family and that of Mr. Branch and Mr. Berrien did not visit Mrs. Eaton, he said that it had been a subject of great excitement with the president, who had come to the determination of having harmony in his cabinet by some accommodation of this matter. He, Col. Johnson, was the friend of us all, and had now come at the request of the president to see whether any thing could be done : who thought, that when our ladies gave parties, they ought to invite Mrs. Eaton ; and as they had never returned her call, if they would leave the first card and open a formal intercourse in that way, the president would be satisfied ; but unless something was done of this nature, he had no doubt, indeed he knew



that the president was resolved to have harmony, and would probably remove Mr. Branch, Mr. Berrien and myself. I replied to Colonel Johnson, that in all matters of official business, or having any connection therewith, I considered myself bound to maintain an open, frank and harmonious intercourse with the gentlemen I was associated with. That the president had a right to expect the exertion of my best faculties, and the employment of my time, in the public service. As to the family of Mr. Eaton, I felt an obligation on me not to say any thing to aggravate the difficulties which he labored under, but to observe a total silence and neutrality in relation to the reports about his wife, and to inculcate the same course as to my family, and if any other representations had been made to the president, they were false. Having prescribed to myself this rule, and always acted upon it, I had done all that the president had a right to expect. That the society of Washington was liberally organized; there was but one circle, into which every person of respectable character disposed to be social, was readily admitted, without reference to the circumstance of birth, fortune or station, which operated in many other places. That we had no right to exert official power to regulate its social intercourse. That Mrs. Eaton had never been received by the society here, and it did not become us to force her upon it; that my family had, therefore, not associated with her, and had done so with my approbation; and that the president ought not, for the sake of his own character, to interfere in such matters. But if he chose to exert his power to force my family to visit any body they did not choose to visit, he was interfering with what belonged to me, and no human power should regulate the social intercourse of my family, by means of official or any other power which I could resist. If I could submit to such control, I should be unworthy of my station, and would

despise myself. That it was eminently due to the character of the president to have it known that he did not interfere in such matters; and that the course we had pursued was preservative of his honor and political standing. I had taken my ground on mature reflection, as to what was due to my family, my friends, and the administration, without any prejudice to Major Eaton or his wife, and had fully determined not to change it, whatever might be the consequence.

"Col. Johnson said that he had been requested by the president to have a conversation with the secretary of the navy and the attorney general also; but, from what I had said, he supposed it would be of no avail. The president expressed a hope that our families would have been willing to invite Mrs. Eaton to their *large* parties, to give the appearance of an ostensible intercourse, adding that he was so much excited that he was like a roaring lion. He had heard that the lady of a foreign minister had joined in the conspiracy against Mrs. Eaton, and he had sworn that he would send her and her husband home if he could not put an end to such doings. I replied, that it could hardly be possible that the president contemplated such a step. Col. Johnson replied that he certainly did; and again remarked that it seemed to be useless for him to see Mr. Branch and Mr. Berrien. I told him that each of us had taken our course upon our own views of the propriety without concert; and that he ought not to consider me as answering for any but myself. He then proposed that I should meet him at Mr. Branch's and invite Mr. Berrien, that evening at seven o'clock; which was agreed to. Col. Johnson came to my house about six, and we went up to Mr. Berrien's, having first sent for Mr. Branch. On our way to Mr. Berrien's, Col. Johnson remarked that the president had informed him that he would invite Mr. Branch, Mr. Berrien and myself, to meet him on the next



Friday, when he would inform us, in the presence of Dr. Ely, of his determination; and if we did not agree to comply with his wishes, he would expect us to send in our resignations.

"Upon our arrival at Mr. Berrien's, Col. Johnson renewed the subject in presence of him and Gov. Branch, and repeated substantially, though I thought, rather more qualifiedly, what he had said to me. He did not go so much into detail, nor do I recollect whether he mentioned the president's remarks as to the lady above mentioned and Dr. Ely—those gentlemen will better recollect. Mr. Branch and Mr. Berrien replied, as unequivocally as I had done, that they would never consent to have the social relations of their families controlled by any power whatever but their own. Mr. Branch, Mr. Berrien, and myself went the same evening to a party at Col. Towson's where a report was current that we were to be removed forthwith, of which I had no doubt at the time.

"The next morning Col. J. came to my house, and said that he ought perhaps to have been more frank last evening, and told us positively that the president had finally determined on our removal from office, unless we agreed at once that our families should visit Mrs. Eaton, and invite her to their large parties; and that he had made up his mind to designate Mr. Dickins to take charge of the treasury department, and Mr. Kendall to take charge of the navy department, and would find an attorney general somewhere. I observed that my course was fixed, and could not be changed for all the offices in the president's gift; and it made no more difference to me than to any other person whom the president designated to take my place. In the evening of the same day, Col. J. called again, and informed me that he had just been with the president, who had drawn up a paper explanatory of what he had intended and expected of us; that some of his

Tennessee friends had been with him for several hours; that his passions had subsided, and he had entirely changed his ground: he would not insist on our families visiting Mrs. Eaton; he only wished us to assist in putting down the slanders against her; that he believed her innocent, and he thought our families ought to do what they could to sustain her, if they could not visit her; and that he wished to see me the next day. Col. Johnson added that the president had been exceedingly excited for several days, but was now perfectly calm and mild. The next day I waited on the president, and opened the subject by stating that Col. Johnson had informed me that he wished to see me; to which he assented, and went into a long argument to show how innocent a woman Mrs. Eaton was, and how much she had been persecuted, and mentioned the names of a number of ladies who had been active in this persecution, and that the lady of a foreign minister was also one of the conspirators; adding that he would send her and her husband home, and teach him and his master that a wife of a member of his cabinet was not to be thus treated; that Mrs. Eaton was as pure and chaste as Mrs. Donelson's infant daughter, but there was a combination here among a number of ladies, not those of the heads of departments, to drive her out of society, and to drive her husband out of office; but he would be cut into inch pieces on the rack, before he would suffer him or his wife to be injured by their vile calumnies; that he was resolved to have harmony in his cabinet, and he wished us to join in putting down the slanders against Mrs. Eaton. I observed to the president that I had never considered it incumbent on me to investigate the character of Mrs. Eaton; such a service did not, in my judgment, come within the scope of my duties to the government; it belonged to society alone to determine such matters. The power of the administration could not change the



opinion of the community, even if it could be properly used to control the relations of domestic life in any case. The society of Washinton must be the best judges of whom it ought to receive. I regretted the difficulties which Major Eaton labored under, and had felt it to be my duty not to aggravate them. I had intended at an early day to have had a conversation with him on the subject, with a view to have our social relation defined; but no opportunity had offered without volunteering one, and it had not been done in that way. The course I had taken, was, however, adopted with great care, to save his feelings as much as possible, consistent with what was due to my family, and the community with which we were associated. I consider the charge of my family to be a sacred trust, belonging exclusively to myself as a member of society. The administration had nothing to do with it, more than with that of any other individual, and political power could not be properly exerted over their social intercourse, and it was important to his reputation to have it understood that he did not interfere in such matters. That I was not aware of any want of harmony in the cabinet; I had not seen the slightest symptom of such a feeling in its deliberations and I was perfectly certain that *my* official conduct had never been influenced in the slightest degree by a feeling of that nature.

"I saw no ground, therefore, for the least change on my part in this respect. To which the president replied in a changed tone, that he had the most entire confidence in my integrity and capacity in executing the duties of the department, and expressed his perfect satisfaction, in that respect, with my whole conduct; he had never supposed for a moment that my official acts had been influenced in the least degree by any unkind feeling towards Maj. Eaton; and he did not mean to insist on our families visiting Mrs. Eaton. He had been much excited, for some time past,

by the combination against her, and he wished us to aid him in putting down their slanders, adding that she was excluded from most of the invitations to parties; and, when invited she was insulted; that the lady of a foreign minister before referred to, had insulted her at Baron Krudener's party.

"I remarked, that some injustice might be done to that lady on that occasion; although she might not choose to associate with Mrs. Eaton, I did not think she intended to insult her; she might have supposed that there was some design, not altogether respectful to herself in the offer of the attendance to supper of the secretary of war, whose wife she did not visit; instead of that of the secretary of state, which, according to the usual practice, she probably considered herself entitled to. I was present, and saw most of what had happened. She evidently thought herself aggrieved at something, but acted with much dignity on the occasion. I saw no appearance of insult offered to Mrs. Eaton. He replied that he had been fully informed, and knew all about it; and but for certain reasons which he mentioned, he would have sent the foreign minister before referred to, and his wife, home immediately.

"After some further conversation on this and other matters, in which I consider the president as having entirely waived the demand made through Col. Johnson, that my family must visit Mrs. Eaton, as the condition of my remaining in office, and in which he expressed himself in terms of personal kindness towards me, I took my leave. He did not show me, or read any paper on the subject."

The statement I have quoted was signed by Mr. Ingham and Mr. Branch, and Mr. Berrien certified to its accuracy and correctness.

Afterwards Col. Johnson, in a letter addressed by him to Mr. Berrien, alleged that he had been misunderstood. He says, "I find that you understood me to say that the

president would at least expect the invitation of Mrs. Eaton when you gave large and general parties. The president never did directly or indirectly express or intimate such an expectation. He informed me that he had been induced to believe that a part of his cabinet had entered into a combination to drive Maj. Eaton from it, by excluding him and his family from society; that he had been also informed that the successive parties to which you allude was a link in the chain; that attemps had been made even upon foreign ministers to exclude Maj. Eaton and his family from their parties: that such a state of things gave him great distress: that he was determined at all hazards to have harmony in his cabinet. He then read a paper containing the principles upon which he intended to act. In my conversation with you, I referred to this paper. No doubt it is now in existence. It disclaimed all intentions, on the part of the president, to regulate, in any manner whatever, the private or social intercourse of the members of his cabinet. As a mutual friend I called upon you and, as a peace maker, my object was to make the above communication in the most delicate manner possible. During our conversation, in the anxiety of my heart to serve my friend and my country, it was I alone, upon my own responsibility, who made the suggestion or proposition, or rather inquiry, whether you could not, at those large and promiscuous parties, invite Maj. Eaton and his family. From the total social non-intercourse of the members of the cabinet, the want of harmony was inferred, more than from any other circumstance; and my desire was to remedy that evil by the suggestion or inquiry which I made. It would have been an absolute, unqualified, and total misrepresentation of his views, if I had represented the president as making any such demand. You will therefore perceive that you have fallen into the mistake of supposing that I attributed to him what was

the spontaneous, sole, and independent suggestion of my own mind."

Whether Col. Johnson was, in fact, misunderstood by Mr. Ingham and his colleagues; or if they understood him correctly, whether his verbal or written statement contains the true version of Gen. Jackson's instructions to him, the reader will, of course, decide according to the convictions of his own mind. It appears that things remained in the position they were when Mr. Ingham held the last conversation with the president, as mentioned at the close of his statement, that nothing was made public on the subject, except by vague and uncertain rumors; and that the cabinet went on apparently in harmony, until more than a year afterwards. On the 11th April, 1831, Mr. Van Buren addressed a letter to the president, in which he resigned his office as secretary of state; and on the same day, or day following, Major Eaton resigned the office of secretary of war. The causes which Mr. Van Buren assigned for his resignation, was his belief, that if he should continue in the cabinet, that circumstance would tend to increase and embitter the disputes about a successor to General Jackson; and that such continuance would strengthen and increase the opposition to the administration. The president, on the next day, replied to Mr. Van Buren, accepting his resignation, and speaking of his services in the most complimentary and laudatory terms. He also accepted the resignation of Mr. Eaton. One week afterwards, it would seem that the president, in a separate interview with each of the other secretaries, (Messrs. Ingham and Branch, and the attorney general, Mr. Berrien,) intimated to them his wish that they would resign. The principles upon which Gen. Jackson acted, are developed, so far as he chose to develope them, in a kind of circular, addressed to each of his cabinet ministers

upon accepting their resignations. The following is the communication he addressed to Gov. Branch :

"WASHINGTON, April 20, 1831.

"SIR—Last evening I had the honor to receive your letter of that date, tendering your resignation of the office of secretary of the navy. When the resignation of the secretary of state and secretary of war were tendered, I considered fully the reasons offered, and all the circumstances connected with the subject. After mature deliberation, I concluded to accept those resignations. But when this conclusion was come to, it was accompanied with a conviction that I must entirely renew my cabinet. Its members had been invited by me to the stations they occupied—it had come together in great harmony, and as a unit. Under the circumstances in which I found myself, I could not but perceive the propriety of selecting a cabinet composed of entirely new materials, as being calculated, in this respect at least, to command public confidence and satisfy public opinion. Neither could I be insensible to the fact that, to permit two only to retire, would be to afford room for unjust misconceptions and malignant misrepresentations concerning the influence of their particular presence upon the conduct of public affairs. Justice to the individuals whose public spirit had impelled them to tender their resignations, also required then, in my opinion, the decision which I have stated, however painful to my own feelings, it became necessary that I should frankly make known to you my views of the whole subject.

"In accepting of your resignation, it is with great pleasure that I bear testimony to the integrity and zeal with which you have managed the concerns of the navy. In your discharge of all the duties of your office, over which I have any control, I have been fully satisfied; and in your

retirement, you carry with you my best wishes for your prosperity and happiness.

"It is expected that you will continue to discharge the duties of your office until a successor is appointed.

"I have the honor to be, with great respect, your most obedient servant. ANDREW JACKSON.

"JOHN BRANCH, Secretary of the Navy."

The allegation of a want of harmony in the cabinet, so far as related to *measures*, was utterly unfounded. In respect to the principles on which the government ought to be conducted, the cabinet, to use General Jackson's favorite expression, was "*an unit.*" The only ostensible difference was that which has been related in respect to the propriety of visiting and receiving visits from Mrs. Eaton; and therefore Mr. Ingham and his colleagues soon published what I have above quoted as the sole cause of difference. The real cause, however, must have been a difference of opinion as to the successor of the then presidential incumbent, connected with the dispute about the reception of Mrs. Eaton in the fashionable circles at Washington.

The movement on the part of Mr. Van Buren was judicious. He rightly judged that it would be utterly impossible for him, even with the aid of Gen. Jackson, to unite the democratic party in his favor, so long as a majority of the cabinet with which he was associated were warmly in favor of so formidable a rival as John C. Calhoun.

After this explosion, evidently produced by the approbation and advice of Mr. Van Buren, Mr. Calhoun kept no terms either with Van Buren or Jackson, and accordingly we find at a public dinner given to Mr. Calhoun at Pendleton, in South Carolina, a short time after these occurrences at Washington, the ordinary and formal toast to the president was omitted, and, as was intimated in a

Charleston paper, intentionally omitted; and the first toast drank was evidently intended as a severe reflection upon the political character of Van Buren, although he was not named in it. Before, however, the party broke up, the following toast was drunk:

"*Martin Van Buren*—'Ah that deceit should steal such gentle shapes, and with a virtuous visor hide deep vices.'"

Mr. Van Buren was shortly afterwards appointed by the president minister to London, and Mr. Eaton was also sent abroad on a foreign mission.

On the third of June the convention of national republicans, which was projected the preceding winter, assembled at Albany. It was highly respectable, both for numbers and the character of the members. Peter R. Livingston, the old senator from Dutchess county, was appointed president. Upon taking his seat he addressed the convention in a very felicitous manner. He spoke in the most laudatory terms of Mr. Clay. He condemned the measures of the administration, and alluded in a manner extremely sarcastic, to the disbanded "unit cabinet" of General Jackson. Something like a state organization was attempted, and Stephen Van Rensselaer and Ambrose Spencer, and thirty-six others, were chosen delegates to the national convention. Judge Spencer attended, upon special invitation, the state convention at Albany, and before they adjourned addressed that assembly at considerable length. Judge Spencer had formerly been inclined to support Gen. Jackson, and indeed had, during Mr. Adams's administration, expressed a most decided opinion against the appointment of Mr. Clay as secretary of state. He was now very ardent in his opposition to the former, and in his support of the latter.

The convention adopted a number of spirited resolutions, in one of which they recommended Henry Clay as a suitable person to be supported for president of the

United States. They also published an address to the people of the state, signed by Mr. Livingston as president, John D. Dickinson and Herman H. Bogart, vice-presidents, and Joseph Hoxie and Orrin Follet, secretaries.

In May, Henry Seymour resigned the office of canal commissioner, and the governor soon afterwards, in the recess of the legislature, appointed Jonas Earll of Onondaga in his place.

It is due to the memory of Mr. Seymour to say, that nowithstanding the immense amount of moneys which passed through his hands, and the many and vastly important contracts made by him on the part of the state, that not the least suspicion has ever been breathed against the purity of his character and conduct. He was in all respects a correct business man. Of his urbanity and courtesy I have already spoken.

James Monroe, late president of the United States, died on the 4th day of July. Thus, three out of the five deceased presidents died on the anniversary day of American Independence. May not the fact be, that those distinguished men were excited more than ordinary men on that day, and to a degree exceeding the strength of their enfeebled and worn out animal powers?

Very little excitement prevailed at the November annual election. The large anti-masonic majorities in the counties, composing what was called the infected district, rendered all efforts hopeless on the part of the Jackson party to overcome it, and of course no great efforts were made. The same remark is applicable to most of the interior counties, the counties bordering on Hudson's river, the city of New-York, and the Long Island counties. There all resistence to the Jackson party seemed vain, and indeed very little was made. In general, so far as there was any change, it was apparently against the anti-masons. In some counties, however, they gained from the last year or



two. In the county of Otsego for instance, where, in 1829, Mr. Beardsley obtained more than 1,200 majority over Mr. Mumford, the anti-masonic candidate; both the sheriff and clerk supported by the anti-masons were elected. But the success of the anti-masonic candidate for sheriff was owing to some local causes and personal difficulties, and the triumph of the candidate of that party (Horace Lathrop) for clerk, was undoubtedly produced by his great and deserved personal popularity.

The Jackson party succeeded in electing their senators in all the districts except the eighth.

The senators chosen were:

From the First District, Mr. Cropsy,
" Second do., Allen Macdonald,
" Third do., John W. Edmonds,
" Fourth do., Josiah Fisk,
" Fifth do., Robert Lansing,
" Sixth do., John McDowell,
" Seventh do., Mr. Halsey,
" Eighth do., John Birdsall.

In the assembly there was a large Jackson majority.

CHAPTER XXXVIII.

POLITICAL ANTI-MASONRY.

Not having myself been personally acquainted with the political action of the party called anti-masons, I took the liberty of requesting a gentleman, eminent for his standing and talents, who, during the prevalence of the excitement on the subject of masonry, resided and still resides in one of our western cities, and who was himself a leading and efficient anti-mason, to furnish me with a statement which should present a sketch of the history of that singular political association. He has been so obliging as to send me the following brief account, which I here insert precisely as written out by him :

In the year 1826 an event occurred, which in its consequences, became the foundation of a new political party, based upon principles before unknown in the political history of the state, but which, in its progress had an important influence upon its political character. It will be at once perceived that the event alluded to is the abduction of William Morgan and the new political party denominated the anti-masonic party.

It seems necessary to advert briefly to the causes of the existence of this party, and to the facts which brought it into life. On the 11th of September, 1826, William Morgan was seized, at Batavia, upon a criminal charge, by a company of men who came from Canandaigua, and carried eastward to Canandaigua as a prisoner for examination. He was acquitted of the criminal charge but was immediately arrested upon a civil process for a trifling debt.—Judgment obtained, and execution issued, and Morgan imprisoned upon such execution in the jail at

* Hon. Frederick Whittlesey.

There was thus early, no political object or motive which entered into the movements of the people or of their committees. The political parties in the state at that time were commonly designated as the Clintonian and Bucktail parties. At the November election, in 1826, De Witt Clinton was the candidate for governor of the former party, and William B. Rochester of the latter. Judge Rochester's friends in the west had strong confidence in his election, and the better informed of them more feared a want of heartiness and confidence among their own political friends at the east, than they did the actual strength of the Clintonian party. The outrage was committed before the election was held, and as the public mind was very considerably excited by the pending political campaign, less attention was paid to this incident as a political matter. There were, doubtless, even at that time, some few persons in Genesee county, who believed that the masons, as a body, were implicated in the outrage, and who refused to vote for Mr. Clinton in consequence of his high masonic office; but as Judge Rochester was also a mason, though not of so elevated a grade, this feeling could hardly be brought into action effectually, and in point of fact, it is believed that it did not influence any considerable number of votes in the election of 1826. The public meetings which were held, were composed indiscriminately of members of both political parties; the committees appointed were constituted in the same way; and the object avowed was the high and praisworthy one of investigating a crime, which had been perpetrated against the liberty, if not the life, of a fellow American citizen. In many places the masons were invited to attend the meetings, and assist in the investigation; and were told, if they wished to avert a blot from their escutchion, and protect themselves from suspicion, they should give their personal

and efficient aid in vindicating the violated majesty of the laws.

The committee met with more obstacles in tracing the route of Morgan than usually attends criminal investigations efficiently prosecuted. They could trace him as far as Rochester, and it was a long time before the clue was found by which he was finally traced to Fort Niagara. The very difficulties interposed to the investigation increased the excitement in the public mind. There were some who early implicated the whole masonic fraternity in the guilt of the transaction. This, however, was not at first the general public sentiment; but when, as the investigation proceeded, it was found that all those implicated in the transaction were masons; that with scarce an exception no mason aided in the investigation; that the whole crime was made a matter of ridicule by the masons, and even justified by them openly and publicly; that the power of the laws was defied by them, and the committees taunted with their inability to bring the criminals to punishment before tribunals where judges, sheriffs, jurors and witnesses were masons; that witnesses were mysteriously spirited away, and the committees themselves personally vilified and abused for acts which deserved commendation, the impression spread rapidly and seized a strong hold upon the popular judgment, that the masonic institution was in fact responsible for this daring crime.

Upon this particular point the public at the west early began to divide into parties and take sides, not as a political question at first, but upon the fact whether the masonic institution, and masons generally, were essentially and morally guilty of the crime which had been perpetrated. The unexpected and unusual obstacles and difficulties thrown in the way of the investigation, and the infatuated and indefensible conduct of many individual masons, in relation to the whole affair, stimulated public felling to the



highest pitch of excitement. The spirit and energy of the people certainly increased under the difficulties attending the examination, but it may be questionable whether their coolness and discretion were improved. Heated by the novelty of the crime, the mystery in which it was shrouded, the thousand wild and exaggerated rumors which such novelty and mystery were well calculated to set afloat and keep alive, there were not wanting those who denounced the institution in the severest terms as blasphemous and murderous, and every member as a traitor and a murderer; and this language was not only used in public meetings and through the columns of newspapers, but in oral discussions and social intercourse, and boldly avowed face to face. The numerous members of the fraternity who had a criminal agency in the offence against the laws, were naturally both alarmed and exasperated by the persevering efforts which were made to expose the whole crime; and most of them being at that time unknown and unsuspected, and having a deep stake in stifling investigation, were by their alarm prompted, and by their situation enabled, to stimulate the highminded and really innocent members of the fraternity with a feeling of indignation at a persecution which would involve in one sweeping condemnation all the members of an entire institution.

A great portion of the public not at that time knowing any thing of the nature or frame of the masonic institution, and not being able to distinguish between lodge-going masons and those who had been disconnected with any lodge by reason of years of non-attendance, acted upon the maxim "once a mason always a mason," and hesitated not to charge every individual member of the fraternity with the crime which had been committed by the more active and infatuated members. The really innocent and masonically ignorant members of the fraternity were naturally indignant at such imputations, and would repel

them with no measured warmth, while the artful stimulants of the really guilty but still unsuspected members would have both the effect to increase the heat of feeling on the part of the innocent, and enable the guilty to class themselves with men of undoubted probity and character, as the victims of a common persecution.

By mutual crimination and recrimination the excitement was stimulated to the highest pitch of violence almost ever witnessed in the country, entering into all the religious, political and social relations of society. Large numbers were determined that the crime of Morgan's abduction should be investigated and punished, and that the veil of secresy which still shrouded this dark deed should be torn away, if human ingenuity could contrive or human effort effect this object. They were also determined to hold the masonic institution corporately and masons individually responsible and guilty of this abduction and probable murder. Innocent masons sheltered themselves in inactivity and complaints of persecution: guilty ones, in louder complaints, violent recrimination, fierce defiance and active efforts to cover up or remove all evidence of guilt. Men who were not masons, and in advance of any political action, were at a loss which side to take. Each took the side which his own relations, associations, means of information or temperament pointed out as proper and just. All such men, it must be assumed, desired justice to be done; but many such men either doubted the existence of the crime, the propriety of the course pursued in the investigation, or the justice of holding all the masons guilty of a crime which was not yet proved upon any.

This was the situation of affairs up to the time of the trial of Lawson and others before Judge Throop, (afterwards governor,) in January, 1827. Many developments were expected from that trial, which would settle



the public mind as to the facts; but contrary to the expectation of all, the defendants pleaded guilty, and thus shut out the evidence or legal proofs which the public judgment craved, and, if any thing, left the public mind in a higher state of excitement than before. It was upon the occasion of sentencing these conspirators, that Judge Throop used the just, eloquent and appropriate language which has peen so often quoted in the newspapers. In relation to the then pervading, excitement he said: "Your conduct has created, in the people of this section of the country, a strong feeling of virtuous indignation. The court rejoices to witness it—to be made certain that a citizen's person cannot be invaded by lawless violence, without its being felt by every individual in the community. It is a blessed spirit, and we do hope that it will not subside; that it will be accompanied by a ceaseless vigilance and untiring activity, until every actor in this profligate conspiracy, is hunted from his hiding place, and brought before the tribunals of his country, to receive the punishment merited by his crime. We think we see in this public sensation, the spirit which brought us into existence as a nation, and a pledge that our rights and liberties are destined to endure." This language, just and appropriate as it was, evidently alluded to the existing excitement, in relation to the novel, undeveloped and mysterious crime of which several of the western counties had been the theatre of commission. Anti-masonry, at that time, had not become political.

As has been before remarked, the excitement against the masons so far from being allayed by the result of this trial, only burned with the greater fierceness. Other circumstances contributed to produce this result. About this time, delegates from the several committees went to Lewiston, to endeavor to penetrate the secret which still covered the final fate of Morgan. The gentlemen of this

convention, commonly called the Lewiston convention, were so successful in their mission, as to ascertain to their satisfaction, and to the satisfaction of those who reposed confidence in them, that Morgan had been carried to Fort Niagara; there confined in its magazine, and there, or near there, eventually put to death. Their narrative was not published until some time afterwards; but the leading facts were given to the wings of the wind through a thousand rumors, and they lost nothing in horror by repetition. Morgan's book, to suppress which was the whole object of the conspiracy, had been published, disclosing the then obligations and ceremonies of the first degrees of masonry; and there were rumors of bloodier obligations attached to the higher degrees. All these things—the number of masons actually engaged in the conspiracy—the nature of their obligations—the conduct of masons themselves—some of their idle and unmeaning threats—served to lash the public feeling into such a state of fury, that under almost any other government, the outbreak must have been marked by horror and bloodshed. The genius of our government seemed to furnish a safety-valve for the ebullition of this feeling of a more quiet and peaceful character, viz: the ballot box. The people were excited. The last election had passed with the success of Mr. Clinton as governor, and the success of the Bucktails in both branches of the legislature. Its excitements and its interests were forgotten, or rather wholly swallowed up in a more engrossing subject. A great mass of the people in many of our western towns, without any regard to their previous political designations, united in the belief that masonry and masons had violated the laws; that masonry and masons had obstructed the executiun of the laws; that masonry, by its very constitution, set itself above the laws; and that masonry was a dangerous institution and must be put down. Being themselves trained

by habit and education to respect the laws, they saw no other mode to effect their object, except that which the constitution put into their hands. At many of their town meetings in the spring of 1827, they resolved and acted upon the resolution, that no adhering free mason was worthy to receive the votes of freemen for any office; and by their votes, they excluded free masons from office. It is impossible now to say, which town first set this example, of bringing the subject of free masonry to the test of the ballot box; the movements in this respect were nearly simultaneous in several towns in Genesee and Monroe counties. It is impossible too, to say, whether these movements were first commenced by the opponents of free masonry, to put down the institution, or by the free masons to put down the committees. Each, probably, commenced the movement in different towns. The feeling rose so strong and fierce on both sides, that it was evident that it must find vent somewhere; and it was fortunate for the country, that the nature of our institutions furnished a constitutional vent, where so little harm would be done. Thus, in fact, political anti-masonry had its commencement. It presented but a single point, the destruction of free masonry through the instrumentality of the ballot box. People at first arrayed themselves on each side of this question—with reference to this question alone—and with utter disregard of all previous political designations and distinctions. It was emphatically a spontaneous movement of the people themselves, not only in absence of, but in defiance of the counsels of political leaders. It was, in truth and reality, a spontaneous outbreak of popular impulse, prompted by no leader, guided by no politician. Its first and principal purpose was to aid in the execution of the laws by the ballot box; to strengthen the arm of justice by the elective franchise.

It is not necessary here, nor does it come within the scope of this treatise at all, to say whether the views of the anti-masons were right or wrong; whether their principle of exclusion of free masons was worthy or unworthy of themselves or the country; whether their manner of political action was justifiable or prudent or otherwise: those topics may find an appropriate place in a treatise of another character. In order to show fairly the causes of the rise of the anti-masonic party, as a political party, it has been deemed necessary to say thus much of its origin, as its rise is intimately connected with the outrage upon Morgan; but the history of that transaction, important though it may be in another point of view, will only be adverted to here as connected with the rise and progress of the political party whose history is now under consideration.

Though this was the starting point of anti-masonry as a political party, yet it is not to be understood that this party even then, or until some considerable time afterwards, assumed the perfect form and feature of an organized party. The town elections above mentioned were the results of the desultory and spontaneous efforts of the people themselves in different towns. Those who were generally considered as political leaders were mostly averse to taking political ground in this manner. Their old party ties and associations were still cherished; and practised politicians upon either side were averse to abandoning the parties with which they had so long acted. Some of them desired to preserve and continue the old party organization, but so to conduct their respective operations as to prevent the nomination of masons by the conventions of either political party. In this way it was hoped by some, that masonry could be effectually put down in a quiet manner, without incurring the imputation of removing old political landmarks, or dissolving old po-

litical associations. If reflection did not, subsequent circumstances did show, that all such speculations were idle. Masons were no more willing to be proscribed in the conventions than at the polls, and it might have been foreseen that one party or the other would bid for their aid. The then posture of political parties, both in regard to state and national politics, may, and probably did, have something to do in making anti-masonry political. Mr. Clinton had been elected governor, and it began by this time to be understood that he would unite with Mr. Van Buren in the support of Gen. Jackson for the presidency. This determination of Mr. Clinton was not acceptable to many of his political friends. On the other hand, a large portion of the bucktails at the west were dissatisfied with the former movement of their political friends to force the nomination of Mr. Crawford; they were suspicious that the recent election of Mr. Clinton was produced by the supineness if not treachery of their political friends at the east, and they were jealous of the reputed union between Mr. Clinton and Mr. Van Buren to secure the vote of the state for Gen. Jackson. All these circumstances gave the politicians of the Clintonian party, opposed to Gen. Jackson, who were upon the committees of investigation, a convenient opportunity, by operating upon the prevalent public sentiment against masonry, to direct the attention of those who were thus hostile to masonry, to the fact that both Gov. Clinton and General Jackson were high masons, and that their political union was another evidence of masonic influence, and thus stimulate this sentiment to the opposition of both. The Clintonian committee men could, in this mode, present the appearance of magnanimity in giving up their own cherished leader, and with the better grace ask the bucktails in like manner to give up Gen. Jackson, whom, without the interference of anti-masonry, that party would have very generally sup-

ported. As the situation of political parties at that time furnished shrewd and calculating politicians with opportunities for so directing the prevalent public feeling, it has been supposed that they took advantage of it to give such direction to public action. Possibly something of this kind may have been done or attempted; yet a careful consideration of the state of public sentiment at that time must satisfy any one that but little could have been effected in this way. In a state of high excitement in any community few can remain cool and unaffected by the prevalent public sentiment; and those that do, by not entering into the feeling themselves, have seldom the power of giving direction to public feeling. Those who are excited themselves will receive directions and suggestions only from those who are heartily and earnestly imbued with the same general feeling.

The truth is, the public were highly excited, and the excitement pervaded all classes of people. If the more practised politicians were desirous of giving a different direction to the public feeling, they found it was substantially out of their power. The people had themselves determined to bring the subject of free masonry to the test of the ballot box, laying out of view all other political questions, and those who felt with them were constrained to follow the popular impulse. The investigation of the abduction during the summer of 1827, had made many converts to this sentiment, and before the fall elections came on, those who were determined to make masonry a test at the elections, were a majority in several counties, though the fact was not generally belived until after the elections were held. During all this time, and indeed during the whole contest, the masons complained of this course as unjust and proscriptive. And on the other hand the anti-masons, even while preparing their tickets for the canvass, strenuously insisted that their ob-

jects were not political. They seemed at first to have had an earnest desire to escape the imputation of making anti-masonry a political party. Their probable object in doing this, while they avowed they would not vote for a mason for office, was to inform the existing political parties, that as to the political grounds upon which they were divided, they should neither commit themselves or take sides. They only committed themselves not to support a mason of any party; and as neither political party would adopt that rule of exclusion, they were forced to run a ticket of their own; but by so doing, they did not mean to consider themselves bound to support the measures of either political party. They had an object of their own to accomplish, which was of paramount importance in their estimation, and they asked all citizens of whatever former politics, to aid them in the accomplishment of this object. By this general invitation they would offend the previous political feelings or prejudices of none. If this invitation was accepted by the mass of the voters, the former political parties would be broken up and destroyed. This result was of course foreseen by the politicians of all parties. The political leaders were, however, desirous of preserving the organization of the respective parties. Many of them were not sufficiently imbued with the spirit of hostility to the masons to take ground with the new party; many of them thought the basis of the anti-masonic party was too narrow and proscriptive to meet with success; or, if it was successful, that the ascendancy would be temporary and ephemeral; and so they determined to stand by their old party discipline and usages. This was rather the feeling previous to the election of 1827. The bucktails made their nominations—the Adams party made theirs—and the anti-masons made theirs without any regard to previous political distinctions. The result astonished all—even the anti-masons themselves—and opened

the eyes of politicians to the growing power of this new party. At this election, the anti-masons carried Genesee, Monroe, Livingston, Orleans and Niagara counties, in face of both the other parties.

At this election, the candidates of the Adams party received but few votes comparatively. The candidates of the bucktail party took by far the largest share of the votes which were not cast for anti-masonry, in the counties where anti-masonry was made a question. The final result of the operation of anti-masonry upon the existing political parties was faintly foreshadowed by its evident effect in this election in these few counties. A large majority of the masons, in both political parties, felt themselves proscribed by the rule which the anti-masons had adopted, and would, from this feeling, vote with the party which showed the greatest strength, antagonistical, to anti-masonry. Many of the prominent members of both parties also, who were not masons, and who were willing to see the outrage investigated, were yet unwilling to give up their party organization, and, perhaps, thought that it was unjust and impolitic to preclude every member of the masonic fraternity from holding office. Some of the politicians of the old Clintonian party were, by their associations, thrown into the Jackson party, so that parties in the west essentially changed ground. The incipient Jackson party was formed of a portion of the old and regular bucktail party—a majority of the masons who felt themselves aggrieved by the application of the anti-masonic principle —and some of the leading Clintonians. The Adams party was left with but few in numbers: composed mostly of Clintonians, who, though masons, were unwilling to join the Jackson party and could not act with the anti-masons, and some Clintonians who were not masons, and were unwilling to act with either of the other parties. The anti-masonic party was composed of a large majority of the

old Clintonian party, and indeed almost the entire party, with the above exceptions, and a very considerable portion of the bucktail party, comprising a great force in votes at the polls, and, perhaps, not a great force of the old political leaders. It is to be observed, that these remarks are to be deemed to be confined to the western counties, commonly called "the infected district," where anti-masonry had its origin.

A new party thus organized, like the anti-masonic party, of materials never before accustomed to be assimilated, comparatively without leaders, and having but one object in view, and moved by a feeling of high excitement, would not be likely to be choice in the selection of their candidates. There is a strong instance of this in the election of 1827. An anti-masonic convention for the 8th senatorial district was held in that year for the nomination of an anti-masonic candidate for senator. They were somewhat at a loss who to take in the immaturity of the party, and selected with imprudent haste and without due inquiry, George A. S. Crooker, as their candidate, and he was formally announced as such, and votes regularly printed and distributed for him. The anti-masonic committee at Rochester ascertained that Mr. Crooker was not only a mason, but that he was in other respects an unworthy candidate for any party, and recommended that Timothy H. Porter, the nominee of the bucktail party, should receive the suffrages of the anti-masons. This recommendation, though given upon the eve of the election, was effective; Crooker was dropped and Mr. Porter was elected by a large majority.

During this time there were many secessions from the masonic fraternity, and the seceding members not only confirmed the truth of Morgan's "Illustrations" of the first degree of masonry, but penetrated farther into the arcana of the masonic mysteries, and disclosed the cere-

monies and obligations of several of the higher degrees of masonry. These disclosures induced the anti-masons to receive the seceding members into their fellowship, and welcome them with warmth into their ranks, with every assurance of protection. They contributed also to still further excite the public feeling in the western counties against the institution, and to prompt them to greater exertions to abolish it through the medium of the ballot-box. The institution was now looked upon as based on principles dangerous in a free government, subversive of political equality, and hostile to the impartial administration of justice. The overthrow of the institution was now the principal object to be accomplished, and the abduction of Morgan was referred to as one among the many evidences of the dangerous and secret power of free masonry. Converts to the side of anti-masonry increased rapidly. In March, 1828, the first general convention was held at Le Roy upon this subject, and was composed of delegates from twelve of the western counties. The delegates were numerous and highly respectable for their standing and character. The whole scope of the proceedings of this convention was to present to the public the dangerous principles of free masonry, to excite attention to it, and evoke action against it. This, as at the first, was the only point to which action was asked. There was no political resolution passed, except that which declared that free masonry was unworthy to exist in a free government. Yet this convention was political in its object in this sense, that it endeavored to bring public opinion to bear upon the institution of free masonry through the ballot box; and the better to effect that object, they recommended the calling of a state convention at Utica, in August following. At the Le Roy convention, Samuel Works, Henry Ely, Frederick F. Bachus, Frederick Whittlesey and Thurlow Weed were appointed a general central commit-

tee. These gentlemen were continued in that station by subsequent state conventions, and with the addition of Bates Cook and Timonthy Fitch, held it as long as anti-masonry continued to be a separate and distinct party.

The object of calling the convention at Utica, in August, was not stated to be for the purpose of nominating anti-masonic candidates for governor and lieutenant governor; but it was very generally understood that such step would be taken by that convention; and it was almost equally generally believed, that Francis Granger would be the nominee of the anti-masons for the office of governor.

The other political parties were actively engaged in the presidential contest, to be decided at the ensuing election, and watching with keen interest the course of events which might affect their several political prospects. The national republican party supported Mr. Adams as their candidate for president. It was apparent that this party could have no hope of success for their state ticket, unless they could secure to its aid the anti-masonic vote. As a majority of the anti-masons were from this party, it did not seem to its leaders difficult to command their support. They supposed that by calling their state convention first, and so far yielding to the anti-masonic sentiment as to put in nomination candidates who were not masons, particularly if Mr. Granger, the expected candidate of the anti-masons, was put upon the ticket, the anti-masons, at their convention would cordially respond to such nominations and their success secured. The national republicans did call their state convention, which was held a few days in advance of the time selected for the meeting of the anti-masonic convention, and nominated Judge Smith Thompson as their candidate for governor, and Francis Granger as their candidate for lieutenant governor. The anti-masons were almost universally dissatisfied with this

movement of the national republicans, and thought that they had resorted to this expedient to prostrate the anti-masonic nominations and stifle anti-masonry in the embrace of a mere political party. Anti-masonry had taken the ground that it could carry the question of masonry to the polls, and believing this to be a matter of greater importance and higher moment than any mere political question, and being eager and enthusiastic in the cause, they determined in any event to make nominations distinctly on that ground, and compel the national republican party to accept them or lose the state. In other words the anti-masons wished to force the national republicans to wield their political strength to aid in the destruction of the masonic institution, and consequently, though Judge Thompson was no mason, and Mr. Granger was a favorite with the anti-masons, the national republican nominations not being placed upon anti-masonic grounds, met with no favor from the anti-masons. Indeed if the national republican convention had nominated precisely the same individuals whom the anti-masons would have themselves nominated, yet it is probable that the anti-masons would not have responded even to such nominations.

Soon after these nominations were made, the anti-masonic convention met at Utica. The following resolution, adopted as a measure necessary "to counteract the influence and destroy the existence of masonic societies," records the position in which the anti-masonic party then desired to place themselves before the public:

"6. That it is expedient for this convention, in pursuit of the good objects to be accomplished, wholly to disregard the two great political parties, that at this time distract this state and the union, in the choice of candidates for office; and to nominate anti-masonic candidates for governor and lieutenant governor."



The anti-masonic convention did nominate such candidates. Mr. Granger not having, at that time, accepted the previous nomination, he was now nominated as candidate for governor, and John Crary of Washington county, as candidate for lieutenant governor. These two gentlemen had recommended themselves to the favor of the anti-masonic party by their course in the legislature, the former in the assembly, and the latter in the senate, upon questions connected with the abduction of Morgan, which were presented for legislative action. After the adjournment of this convention, Mr. Granger had two invitations before him to stand as the candidate of the respective conventions, but for different offices. He could not well accept both, and there was great interest felt, to know how he would decide. His political sentiments were known to be in favor of Mr. Adams and his measures; and he also approved to a great extent of the anti-masonic action. He was, in fact, what might then be called a national republican anti-mason; designations which just at that time came into collision, and were in some sense inconsistent with each other. He doubtless wished, in common with many others, to see the whole available opposition to General Jackson brought to act in concert and harmony. Whether he supposed it was possible to effect this object is doubtful; but he had been committed by his friends in some degree to both sides. His was then a difficult and delicate position, and he suffered some time to elapse, probably with the hope of removing all the difficulties before he made his decision.* If he had any such hope, he found it a vain one, and finally decided by declining the anti-masonic nomination for the higher office, and accepting that for the secondary office, which had been tendered him first. He foresaw that neither ticket could be successful, as harmony and concert were impracticable; and he thought, probably, that it was both more candid, honora-

* This is an error. See ante p. 286.

ble and politic to accept the nomination first tendered. This decision excited the hopes of the national republicans, and the anger of the anti-masons. With the latter, Mr. Granger passed at once from the station of a popular favorite, to become the object of bitter denunciation. The anti-masons were resolved not to be foiled in their determination to have a candidate of their own, either by the movements of the national republicans, or the declination of their own nominee. They were disappointed by this declination; but the disappointment produced heat, excitement and prompt action, instead of inaction or despondency. But their zeal and energy, in this emergency, far exceeded their discretion and good judgment in the selection of the person to supply Mr. Granger's place.

Solomon Southwick of Albany, had previously played a conspicuous part in the political history of this state. He was, at all times, vain and egotistical in his claims to personal consequence, visionary and unsound in his political views, and unstable and wavering in his political course. These defects of character and the conduct naturally flowing from them, had at the time anti-masonry broke out, reduced him to poverty in pecuniary resources. and discredit in political reputation. He conducted a newspaper in Albany. He had been a mason. He acquired some credit with the anti-masons by an early renunciation of his masonic ties and denunciation of the masonic institution. His own movements plainly showed that he wished to turn the circumstance to account, both to add to the support of his paper and advance his own visionary projects of personal ambition. He acted in concert with many masons at the west in preparing a general renunciation and exposition of free masonry. General meetings for this object were held at Le Roy, in January and July, 1828, at which Mr. Southwick was a



conspicuous member. On occasion of one of his visits to the west, he was invited by a few seceding masons to stand as candidate for governor. A correspondence was duly had and published; Mr. Southwick expressing a willingness to be used as a candidate. The general sentiment of the anti-masons did not respond to this movement, and it was looked upon as an abortion. The declination of Mr. Granger, and the angry feeling with which it was received by the anti-masons generally, furnished a good opportunity for these ardent friends of Mr. Southwick to renew their movement. A few of them met at Le Roy and put him in nomination for the place vacated by Mr. Granger. The anti-masonic committees made no concerted movement to have a new candidate regularly brought out; the mass were angry at Mr. Granger: determined to have some candidate of their own, they did not care who, and they gradually and of their own accord, fell in with the nomination of Mr. Southwick.

It may be safely assumed that politicians of the Jackson or Tammany party did what they could to favor this movement and fan the excitement, that by the division of the other party, they might secure the election of Mr. Van Buren. But such extraneous influences were to a great degree unnecessary; the excited feelings of the anti-masons did what no mere calculating policy could effect. It was in vain that the better informed and more sagacious of the anti-masons warned them that the character of Mr. Southwick was such as would discredit any party at whose head he might be placed. It was in vain that several of the county conventions refused to concur in the nomination. The people were excited and determined to have a candidate. They thought they had been manœuvred out of one, and they resented it; and it was no matter what the character or fitness of Mr. Southwick was, they knew they could not elect him, but they would show by their

votes for him that they had an energy and spirit which could not be deceived or subdued. And Mr. Southwick was in fact adopted by the mass of the people in the western counties as their candidate.

The election came. Mr. Van Buren received one hundred and thirty-six thousand seven hundred and ninety-four votes; Judge Thompson one hundred and six thousand four hundred and forty-four, and Solomon Southwick thirty-three thousand three hundred and forty-five; the latter mostly from the western counties. Mr. Van Buren was thus elected by a minority vote; but such were the jealousies between the national republicans and anti-masons, that it is doubtful whether any practicable plan could have been devised by which the entire opposition vote could have been united upon one man and thus defeated Mr. Van Buren. It is certain that if anti-masonry had had no existence, Mr. Van Buren must have been elected, as anti-masonry in the western counties drew off a large detachment of voters from the support of Jackson and Van Buren; and many of the former friends of Mr. Clinton would have contributed, as they did, to increase the Jackson and Van Buren vote.

As General Jackson was a high mason, and Mr. Adams was not a mason, the anti-masons united with the national republicans, in the support of Adams electors; and the electoral vote of the state was, in consequence, nearly equally divided. The Jackson party, of course, carried a majority in the state legislature; but the anti-masons and national republicans elected a respectable number of members. As yet, neither of the great political parties in the state seemed willing to come to an open quarrel with the anti-masons: indeed, they both showed some evidence of a desire to caress, conciliate and use them for their purposes. Anti-masonry all this time aimed to stand independent of and in opposition to both.



Gov. Van Buren, in his message to the legislature in January, 1829, referred to the subject of the excitement growing out of the abduction of Morgan in terms of moderate commendation, and deprecated the perversion of this feeling to selfish and sinister purposes. It was evidently intended to convey the idea that the excitement created by a great and local cause was worthy of the people among whom it found existence; but its direction to political objects was unworthy their good sense and intelligence.

Although the anti-masons claimed to stand independent of both political parties; and although, as a party, they had neither avowed or expressed any opinion upon the great and leading measures of the country, yet it soon became quite evident that this party must eventually be forced into opposition to the Jackson party. Gen. Jackson himself was a high mason, and could not, upon the fundamental principles of anti-masonry, in any event, be supported by them. The anti-masons required a civil proscription of masons. The Jackson party in the state could not yield to this requirement without breaking up the bonds of their strength and perilling its power; and the anti-masonic members of the state legislature generally went with the national republicans as to measures. All these circumstances clearly indicated that the anti-masonic party must eventually be forced into opposition to the Jackson party. Doubtless, Gov. Van Buren perceived this when he penned his message to the legislature in 1829.

The anti-masonic party held a convention at Albany in February, 1829. Its object was to strengthen themselves, extend their influence, spread information, and advise all that they were neither discouraged nor disheartened. Its proceedings were similar to those of former conventions, and directed exclusively against free masonry.

The national republican party, though they polled so large a vote in 1828, soon found that they had not strength to effect much of themselves, and as an independent and separate party, they dwindled into inertness and inactivity. They were not ready to unite cordially with the anti-masons, and they had no separate power of their own to use with effect. The anti-masons were enthusiastic, persevering and energetic. At the election in 1829, they elected Albert H. Tracy senator from the eighth district by a majority of about eight thousand votes, and carried the counties of Erie, Niagara, Orleans, Genesee, Livingston, Monroe, Allegany, Cattaraugus, Chautauque, Steuben, Ontario, Wayne, Yates, Seneca and Washington, and polled, as is computed, about sixty-seven thousand votes.

At the session of the legislature of 1830, Lieut. Gov. Throop, then acting governor, in his message, alluded to the anti-masonic excitement with less of dignity and more of petulance than had characterized the preceding message. He speaks of it as originating "in an honest zeal overflowing its proper boundaries, misdirected in its efforts and carrying into public affairs, matters properly belonging to social discipline." He further intimates that these feelings "give evidence of speedily subsiding into their natural and healthful channel." It seems quite apparent from the tone of this message, and the legislative and executive action during the ensuing session, that the Jackson party now found that they must stand in full opposition to the anti-masonic party, and they probably indulged in some apprehensions as to the power of a party who had nearly doubled their vote in a single year, and who were bold, confident and resolute in their action. At any rate legislative action at this session was more than commonly hostile to the views of the anti-masons, who went on with their investigations of the Morgan outrage, their persecu-



tion of free masonry, and their political movements *pari passu*, and made each bear upon the other.

The anti-masons again held a convention at Albany in February, 1830. After providing for calling a national convention to be held at Philadelphia, and a state convention for the nomination of governor, they prepared specific charges against the grand chapter of the state, for furnishing funds to aid the Morgan conspirators in escaping from justice, and thus interfering to defeat the due administration of the laws. A memorial on that subject was drawn up and presented to the legislature then in session, praying for the appointment of a committee of that body to investigate the conduct of the grand chapter in this respect, inasmuch as said chapter had received an act of incorporation from the legislature. The legislature, by a vote of seventy-five to thirty, in effect refused the committee, by referring the whole subject to the attorney general, and if he should find the grand chapter guilty, to file a *quo warranto*. This was not what the anti-masons wanted, nor was it of any use to them in their inquiries concerning the grand chapter, inasmuch as proof of the charges must be made before a *quo warranto* would be granted, and this proof could be obtained only from members of the chapter, who would not volunteer it; and the sole object the anti-masons had in asking for a legislative committee, was by this means to force proof from the members of the chapter. The anti-masons deemed that by this vote, the majority of the legislature had declared themselves hostile to inquiry into the misdeeds of masonry. Another circumstance operated very strongly upon the anti-masons to induce a settled conviction in their minds that the political majority were hostile to them in every way, even in the prosecution of the investigation. In the winter of 1828, a law for the appointment of special counsel to investigate the Morgan outrage, unasked

for and even opposed by the anti-masons, was, upon the recommendation of acting Governor Pitcher, passed. Judge Mosely was first appointed to that office. After his resignation, Mr. John C. Spencer received the appointment. He prosecuted the duties of this office with his usual indefatigable industry and effective ability. He had traced the web of the criminal mystery with such considerable success, that he thought by the application of the reward of two thousand dollars which Gov. Clinton had previously offered, he should be able to solve the whole mystery of Morgan's murder. He wrote to Gov. Throop for advice and authority to so use the money. The authority was refused. Mr. Spencer's report to the legislature bore very hard upon the western masons. It was of a tone calculated to aid the anti-masons politically. There was considerable prospect that the whole conspiracy would finally be developed. This would strengthen the anti-masons. The legislature, so far from giving any hearty approval of Mr. Spencer's very efficient proceedings, cut down his salary to one thousand dollars. Mr. Spencer and the whole body of the anti-masons deemed this a studied and intentional insult. Mr. Spencer resigned, and in his letter of resignation complained that he had received no effective aid or assistance from the executive, and that even his confidential communications to the governor in relation to the conspiracy had been disclosed to the counsel for the conspirators. From all this, the anti-masons felt themselves authorized to charge, and did charge the dominant party with the protection of masonry, and the conspirators in the Morgan outrage. From this time the anti-masonic party stood in decided hostility to the Jackson party, and now openly avowed what they had before in fact, been acting upon, opposition to the dominant party.

prepared the anti-masonic party
asion of their own peculiar prin-
he national republicans for suc-
held at Utica in August, 1830.
in an anti-masonic convention,
on important political measures.
wed, were in general accordance
he dominant party; and were,
ith a view to obtain the support
greeing with them upon the sub-
otherwise held to the same com-
The anti-masons very soon for-

candidates nominated by the anti-masons, the whole political complexion of the state would probably have been changed at this election. But persons of this class felt persecuted and oppressed by political anti-masonry, and voted against its candidates; not because they liked Jacksonism better, but because they hated anti-masonry more. The election came and was warmly contested. Mr. Throop received one hundred twenty-eight thousand eight hundred and forty-two votes, and Mr. Granger one hundred and twenty thousand three hundred and sixty-one. Mr. Throop's majority being a little more than eight thousand. This election had the effect to throw permanently into the Jackson party, numbers who, if anti-masonry had not been a question, would have been national republicans.

The anti-masons, though feeling a great degree of confidence of success at this election, and though very much disappointed in the result, were not disheartened or discouraged. They continued their political efforts. But as further prosecution for any crime short of murder, connected with the Morgan abduction, had been barred by the statute of limitation, and as free masonry had wholly been given up in the western counties and indeed almost entirely throughout the state, there was less said in the political meetings and addresses about Morgan and masonry, and more about general politics. In the election of 1831, the anti-masons elected nearly thirty members of assembly, and the national republicans six. The connection between these two parties was gradually growing closer and would probably by this time have been nearly complete, but for the reason that they, had brought into the field separate nominations of candidates for the presidency; the anti-masons having nominated William Wirt as their candidate, and the national republicans soon after having nominated Mr. Clay. The period of the election of pre-

sident again recurred in the year 1832, and the mode of choosing electors of president and vice president had, since the last election of these officers, been by legislative act very properly changed from a district to a general ticket, so that the entire vote of the state would have its weight whichever way it might be cast. Though the anti-masons and national republicans had separate candidates for president, it was very generally supposed and understood that a state and electoral ticket would be so framed that it might receive the united vote of both parties. This subject was unquestionably duly considered by the leaders of both these political parties before the meeting of the convention of either of them, and probably some general principle of union was honorably understood. The anti-masonic convention met on the 21st June, 1832, and again nominated Francis Granger and Samuel Stevens for governor and lieutenant governor, and also nominated an entire electoral ticket. How the gentlemen so nominated as candidates for electors of president and vice president were divided as between Mr. Wirt and Mr. Clay, perhaps no one ever precisely knew, as they never had an opportunity of determining the question by voting for president. A large portion of them were gentlemen not ultra in their personal preference nor blindly wedded to individuals, but were all opposed to Gen. Jackson; and it is probable if the ticket had been successful they would have been governed in their votes by the result of the elections in other states. This ticket was satisfactory to the national republicans, who at a convention held on the 25th of July adopted it entire. This perhaps may be considered a political union of the anti-masons and national republicans of this state. A union the more firmly cemented by a common defeat. At the election which ensued, William L. Marcy, the gubernatorial candidate of the Jackson party, received one hundred

and sixty-six thousand four hundred and ten votes, and Mr. Granger received one hundred and fifty-six thousand six hundred and seventy-two, leaving Mr. Marcy a majority of nearly ten thousand votes. Here probably should properly terminate the history of political anti-masonry, as after this election the distinctive name of the party was to a great degree merged in the union thus effected; which united party became soon to be designated as the whig party. In 1834, the gubernatorial candidates of the respective parties were William L. Marcy of the Jackson party, who received one hundred and eighty-one thousand nine hundred and five, and William H. Seward of the whig party who received one hundred and sixty-eight thousand nine hundred and sixty-nine, giving Mr. Marcy a majority of near thirteen thousand votes. In 1836, William L. Marcy, again a candidate, received one hundred and sixty-six thousand one hundred and twenty-two votes, and Jesse Buel, the whig candidate, one hundred and thirty-six thousand six hundred and forty-eight. In 1837, there was a complete overthrow of the Jackson party in the legislative elections, entirely unexpected by both parties. In 1838, they measured strength at a governor's election, and William H. Seward, the whig candidate, received one hundred and ninety-two thousand eight hundred and eighty-two votes, and William L. Marcy, again the Jackson candidate, received one hundred and eighty-two thousand four hundred and sixty-one, leaving Mr. Seward more than ten thousand majority. In 1840, Mr. Seward was again elected governor by a majority of about six thousand over William C. Bouck, the Van Buren candidate. Though these latter events do not naturally perhaps fall within the scope of the history of political anti-masonry, yet the whig ascendancy in this state is mainly indebted for its permanence, if not for its first success, to the steady opposition of the anti-masonic counties, and to

the uniformly heavy majorities which those counties have constantly given at every contested election.

A summary in brief, of the origin, progress and influence of the anti-masonic party, as a political party, may perhaps properly close this article.

Its origin was in the violent abduction and murder of William Morgan, committed by infatuated masons, as the required masonic punishment for the revelation of masonic secrets. It commenced in the honest and praiseworthy desire to investigate a criminal transaction of great turpitude, ferret out the offenders and bring them to justice, and with no motive or purpose of political action. The progress of the investigation, arrayed those pursuing it, against the masonic institution, which they thought had perpetrated the offence, screened the offenders, and owned obligations, and owed duties, inconsistent with the just duties of the citizen, and dangerous to society. This institution and its members, were pursued politically, because there was no other mode, short of violence, by which it could be successfully combatted. The change from hunting out criminal offenders, to hunting down the institution, was gradual but rapid in the public mind, and was experienced by those who were upon the spot and knew all the circumstances of the case; and those who felt thus changed, and resorted to this action, were a majority of an intelligent, reflecting, clear headed and virtuous community. It is inconceivable that such men could have entered upon and persevered in a course unnecessarily violent, or from any dishonest, unpatriotic, or selfish purposes. Masses of intelligent men may be excited, but they will seldom persist in a dishonest course or commit continued acts of unjust oppression. The community were aroused by the information of an unprecedented and high-handed crime. Their feelings were gradually raised to a higher and higher pitch, by disclosures or obstacles with which every step of

the investigation was attended. The feeling was an honest one, and all people, as well as committees, were affected by it and carried along with it. No mere politician could have had sagacity enough to have foreseen that, taking advantage of this feeling and giving it a direction, could have added to his political importance, as no one could then have foreseen that it would lead to any political results. All were affected, honestly affected, by the feeling, and went along with it. There were few politicians upon the early committees. Theodore F. Talbot, Timothy Fitch, Sherman Holden, Samuel Works, Josiah Bissell, jr., Henry Ely, Frederick F. Backus, Bates Cooke, John H. Phillips, Thurlow Weed, Frederick Whittlesey, and numerous others were upon the early committees, and were effective in investigating the outrage long before the question became political. Few of them were politicians, and they were of different political creeds. It is hardly credible that these gentlemen should have had sagacity enough to have taken hold of it for the purpose of giving it a political direction, though some of them have been very effective in pushing it politically since. David C. Miller held a prominent place in this affair at the first. He was the publisher of Morgan's book—a mason; his character did not stand high, before or after. He, doubtless, contributed to the excitement, both for protection and profit. The same may, perhaps, be said of Solomon Southwick and some others. After anti-masonry began to shew evidence of political power, and the principles of the action became more generally known, others joined its ranks; some, doubtless, from the hope of political preferment, but most, it must be believed, from honest convictions of its propriety. Thomas C. Love, Millard Fillmore, and Albert H. Tracy of Buffalo; Trumbull Cary, Harvey Putnam, Seth W. Gates, Henry Hawkins, and others from Genesee; Abner Hazletine, and George A.

French of Chautauque; George H. Boughton, and Judge Deveaux of Niagara; James Wadsworth, Philo C. Fuller, George W. Patterson, and John Young of Livingston; Francis Granger, Henry W. Taylor, and Samuel M. Hopkins of Ontario; Myron Holley of Wayne; Robert S. Ross of Seneca; William H. Seward of Cayuga; Thomas Beekman of Madison; Henry C. Martindale of Washington; William H. Maynard, of Oneida, and hundreds of others, who have filled prominent and responsible stations in the political world, to say nothing of John Birdsall, the circuit judge of the eighth circuit, and John C. Spencer, special counsel, and both Jackson men, could hardly have joined the anti-masonic party from mere personal or selfish considerations. They were affected by the same feelings with the people among whom they lived, and with whom they daily associated. The inexpressible energy and indomitable spirit with which the cause was prosecuted; the enthusiasm of feeling, and the perseverance in effort which was exhibited; the steady constancy and unfaltering exertion manifested in its progress; never tiring, never flagging, never faltering, are among the evidences, that those who could keep up so much heart, and persevere with so much effort, were as honest as they showed themselves determined in their purposes.

The influence of anti-masonry upon other political parties has been marked, and will not soon be effaced. In the western counties it early drew to itself a majority of the old Clintonian party, and a large detachment from the Tammany party. It drove to the Jackson party those adherents of free masonry who thought themselves proscribed and oppressed by anti-masonry, and some of the leaders of the Clintonian party who thought anti-masonry was either proscriptive or would be ephemeral. It very much changed the *material* of the Jackson party from what it otherwise would have been. The Jackson party

had felt this in the secession of many of those men who were drawn into its ranks in 1830, by the proscriptive character of anti-masonry, while the western anti-masonic counties have remained as true and steady to their recent alliance, as they were staunch and energetic on their old battle field. Twelve years of repeated experiments upon these western counties, only serve to show that they came out stronger at every trial—were powerful against every opposition. This tenacity of purpose which has marked the anti-masonic counties, seems to indicate a reliable steadiness which it is almost hopeless for their opponents to attempt to change, and which those counties have undoubtedly acquired from the stern and vindictive contests which were thus waged in the earlier days of anti-masonry. It is the spirit of anti-masonry which there still exists which causes this steadiness, and which will probably not abate until at least the present generation shall have passed away. It has been of material service in advancing the present whig administration into power, and sustaining them therein. Whether it will continue to furnish such aid with the same success, it remains for the future political historian to record.

CHAPTER XXXIX.

FROM JANUARY 1, 1832, TO JANUARY 1, 1833.

Very little improvement was made in either of the legislative houses by the new members chosen at the late election. From the eighth district, the anti-masons had chosen Judge Birdsall, a man of talents, but unfortunately, constitutionally nervous, and occassionally subject to dyspeptic affections, which depressed his mental energies and rendered him indisposed to take that active part in the business of legislation and in political operations, for which, had he been in mind and body in sound health, he was eminently qualified.

Mr. John W. Edmonds was an exceedingly active partizan, and possessed of considerable talent. His taste, however, seemed to lead him to devote his attention more to political management, than to the important and serious part of legislation.

Mr. Robert Lansing, a senator from Jefferson county, was inexperienced in public life, but a young man of fair mind, and endowed with talents sufficient to render him an useful member of the legislature. His diffidence and modesty prevented his taking a very active part in the senate.

In the assembly, the anti-masons again returned Mr. Granger and Mr. Nicholas. The party however suffered a loss by Mr. Fillmore not being returned. He was, I believe, a member of congress. That loss was, nevertheless, nearly, if not quite, made good by the election of a plain farmer from the county of Livingston. I allude to George W. Patterson, whose strong, vigorous powers of mind were not immediately developed, but who in the

course of the session began to afford evidence of intellectual energies of no ordinary character or grade.

The national republicans of the county of Queens this year returned Mr. John A. King, of whom I have before spoken. The same party also elected Jedediah Miller, a respectable and very popular lawyer from the county of Schoharie, and Hiram Bennett, formerly a regency member from the county of Sullivan.

The Jackson party added very little to the talents of their party in the assembly this year, except from the city of New-York, whose representation was, I think, somewhat improved by the election of Judah Hammond and Myndert Van Schaick, both of them lawyers and estimable as citizens.

Mr. Isaac R. Van Duzer, an active young man of promising talents, was elected on the Jackson ticket from the county of Orange, and though he afterwards became somewhat erratic in his political course, soon gave evidence of considerable talents as a legislator.

Mr. Charles L. Livingston was again elected speaker without serious opposition.

Two or three of the first pages of the governor's message, as printed in the Senate Journal, are occupied by him in laying down general maxims in relation to good governments, and in comparing the American with European governments. The same obscurity and awkwardness as a writer are manifested by the governor on this occasion, as were exhibited by him in his inaugural address. I will not take up the time of the reader by presenting him with quotations to prove the correctness of this remark. It is nevertheless remarkable that in what may properly be called the business part of his message, and where the governor exhibits to the legislature the financial condition of the state, his views are presented clearly, without tautology,

and with neatness, and in some places, with elegance.* The topics embraced by the message were of the ordinary character. He recommended a state tax to supply the deficiency in the general fund, and he says, "a hope is held out to us that the public lands or the proceeds of the sale of them may be distributed among the states." His remarks in relation to common schools and agriculture, and his suggestions of necessary improvements in our penitentiary system and criminal code, are judicious and in all respects praiseworthy.

Although the charter of the bank of the United States did not expire until the year 1836, it applied at the session of congress in the winter of 1832 for a renewal. Whether the opponents of the re-election of General Jackson had encouraged this course, under an impression that, considering the attitude he had assumed in relation to the question of re-chartering the bank, the agitation of the question of its re-charter might embarrass him and aid them; or whether the friends of the bank being, as they were, certain of a majority in both houses in their favor, entertained the belief that, if the bill for renewing the charter should pass both houses, the president would not venture to veto it; or if he did, that that act, together with the influence the bank could bring to bear against him, would be sufficient to defeat his election; or rather, whether all these considerations combined, did not induce this early application, are questions which I shall not attempt to decide. The fact that such application had been made, furnished an excuse for an expression of opinion by the New-York legislature; and, indeed, it must be admitted, that the occasion afforded a much better reason for the legislative action of this state, than existed

* Some of the opponents of Gov. Throop affected to believe that this part of the message was written by Comptroller Wright.

when Mr. Morehouse offered his resolution in the session of 1831.

Pretty early in the session, Mr. Dietz, an honest and unpretending member of the senate, from the county of Schoharie, was chosen by the Jackson leaders to introduce a joint resolution into that house, against the renewal of the charter of the bank of the United States, and instructing the senators, and requesting the members in the house of representatives of the congress of the United States, to resist such renewal. The resolution was very fully and ably discussed. It was supported by Messrs. Beardsley, Tallmadge and Edmonds, and opposed by Messrs. Allen, Bronson, Maynard and Seward; but on the 10th of February it passed by a vote of twenty against ten.

Messrs. Allen of New-York, Bronson of Oswego, and Rexford of Delaware, were the only members of the senate belonging to the Jackson party who voted against it. Mr. Tracy does not appear to have voted on the question. All the other anti-masons were in their seats, and voted against it.

When the resolution reached the assembly, it there encountered a very vigorous opposition, but finally passed by the strong vote of seventy-five to thirty-seven. It is worthy of remark, that Mr. Speaker Livingston, Mr. Hammond, Mr. Morgan, Mr. Van Schaick and Mr. Stillwell, four of the most distinguished members from the city of New-York, voted against the resolution.

I have mentioned that Mr. Van Buren was appointed by Gen. Jackson minister to England. He had sailed for London the summer preceding this session, and was now our accredited representative at the court of St. James. But the United States senate had not yet passed upon his nomination by the president. The president, early in the session, sent in his nomination to the senate, but action upon it was by that body long delayed, and finally it was

vas produced in the following

at personal popularity of Gen.
nary tact and address of Mr.
the senate, a majority of that
nized against him; and as Mr.
to be the peculiar favorite of
destined by him to be his suc-
elected by the opposition as the
hecking the power and mortify-
neral, and of convincing the
senate could and would control
ial patronage. Mr. Van Buren,

substantially the situation in which the leading members of the senate, opposed to Gen. Jackson, were placed. So far as related to measures and principles, properly so speaking, there were then in existence two parties. The one believed that a full and ample protection ought to be afforded by the national government to the manufactures and industry of the country, and that a liberal construction ought to be given to the powers conferred by the constitution upon the national legislature. The other party warmly opposed all protecting duties as directly forbidden by the federal compact. They held to a strict construction of the constitution, and they contended that when the general government in its legislation palpably exceeded its powers, every single state had a right by law to nullify its acts; and that whether the general government did or did not exceed its powers it belonged to the individual state, and not to the supreme judiciary of the union, to decide. The first class was composed principally of the citizens of the grain growing, and the latter of the planting and slave holding states. At the head of the first class stood Mr. Clay; of the last, Mr. Calhoun. Both were men eminent for their talents and public services, and both were rival candidates for the first office in the nation. Gen. Jackson and Mr. Van Buren seemed to be situated between these two extremes. Gen. Jackson had, before his election, in answer to an inquiry made of him by some of his western friends, declared himself to be in favor of a "*judicious*" tariff, but what in his judgment a judicious tariff was, he had not specifically explained. Mr. Calhoun might suppose it to be the high tariff of 1828, and Mr. Clay might imagine it was the low tariff of 1816. Mr. Calhoun did not know how soon the president might join in the measure of Mr. Clay, and the latter was utterly uncertain whether Mr. Calhoun and his southern friends might not, in a short time, be united



with Gen. Jackson. Both were very well assured that Jackson was too strong for either of them single handed, and they had good reason to fear what afterwards proved to be the fact, that his popularity was too great to be successfully resisted, even if the force of both were united.

In this situation of affairs Mr. Clay proposed the famous compromise act, which was accepted by Mr. Calhoun and his friends, and although this compromise was not consummated until some time after Mr. Van Buren's nomination was rejected, there is reason to suspect it was then projected. By this compromise, the national republicans, at the end of ten years, were, in effect, to abandon the American system, while the nullifiers, on their part, consented that that abandonment should be exceedingly gradual, and its consummation long delayed. In this way, what, as I have before remarked, is not uncommon in politics, as well as in other human affairs, the extremes united. The result was the rejection of the nomination of Mr. Van Buren.

While on the subject of this famous compromise, I may as well remark, that it received the approbation of all parties in the state of New-York; not because they were desirous of giving up the protective system, but because they were anxious to preserve the union, which they believed would inevitably be severed, if the tariff was not abandoned. A great meeting of distinguished individuals, without distinction of parties, was held in the city of New-York, of which the late Chancellor Kent was president, and Stephen Allen and Gideon Lee, vice presidents, which adopted resolutions in favor of a compromise, and on which occasion Peter A. Jay delivered a most eloquent and impressive speech, demonstrating that the son of the "old patriot," John Jay, inherited a portion of the same attachment to the union, and independence of America, for

which that sage of the revolution was so eminetly distinguished.

When it was known that the senate had non-concurred in the appointment of Mr. Van Buren, his friends in the New-York legislature and the citizens of Albany, held a meeting for the purpose of making public their indignation at this act, which they considered and denominated an unprecedented outrage. Mr. N. P. Tallmadge, on that occasion, distinguished himself by delivering an eloquent speech, denouncing the measure with great severity. Similar meeting were held in various other cities and villages in the state and nation. From the indignant expression which generally accompanied the speeches delivered and resolutions adopted at these meetings, the opposition gave the name of "*indignation meetings*" to these assemblies.

To me it is not improbable that the course taken by the senate on this occasion was ultimately beneficial to Mr. Van Buren, as there can be little doubt but that this act, which presented him to the American people as the victim of persecution, was one of the principal causes of his nomination by the Baltimore convention, for the office of vice president.

While on the subject of national affairs, I will take this occasion to state, that Gen. Root, who was now a member of congress, made a speech during the winter session, which afforded decisive evidence that he was determined to oppose the Jackson party in the state and nation.

An interesting discussion took place in the New-York senate in relation to the financial concerns of the state. Mr. Bronson, in accordance with the views of the governor and comptroller, on the 28th day of February, brought in a bill enacting that a tax of one mill on the dollar of the valuation of real and personal property within the state, should be levied annually for three years. This bill presented for the discussion of the senate the great ques-

ral fund should be preserved, and
ed; or whether its capital should
rdinary expenses of the state go-
on, that by the time it should be
uld then avail itself of the surplus
ie canals to meet its necessary ex-
ed that, before the general fund
e canal debt would be paid off and
ular fact, that all those members,
were in favor of constructing the
ngaging in other works of internal
would add greatly to the canal debt,

error of the American people, and the American states, is, that they are in "too much haste to become rich."

These immensely important questions were discussed elaborately and with great ability in the senate. Beardsley, Maynard, Seward and others opposed, and Bronson and Tracy supported the bill. On the final vote a very large majority were found to be opposed to a state tax, only five members, Bronson, Fish, Fuller Halsey and Tracy voting in favor of it.

The appointment made by the governor during the recess of the legislature, of Jonas Earll, Jr. canal commissioner, was confirmed by the two houses, and all the state officers were re-appointed. The anti-masons supported opposition candidates in every instance. For secretary of state, they voted for Gideon Hawley; comptroller, John C. Spencer; treasurer, William Mayell; attorney general, Samuel M. Hopkins; surveyor general, James Geddes, and for commissary general, Peter Skein Smith. These candidates received seven votes in the senate, and twenty-two voters in the assembly.

A bill for constructing the Chenango canal was again introduced into the senate, by Mr. Hubbard, and passed that house, but in such form and with such restrictions as would hardly have satisfied the applicants. It provided that no water should be taken from the Oriskany or Sadaquada creeks; it forbade the commissioners to pay any damages to the owners of land through which the canal should pass, (the applicants having represented that voluntary releases would be given, or would be procured without expense on the part of the state,) and it prohibited the commissioners from commencing the work until the state should be amply indemnified by good personal security against an expenditure of over a million of dollars. In this shape, the bill passed the senate by a vote of sixteen to fifteen; but it was lost in the assembly, all the exer-



tions of Mr. Granger to the contrary notwithstanding. The vote in that house stood sixty-four to fifty-two. The friends of the bill in the assembly consisted of the anti-masons, the members from the Chenango valley, and several of the members from the city of New-York.

Before the adjournment of the legislature, it was, I believe, pretty well understood that Mr. Throop would not be a candidate for a re-election.

The office of governor of the state of New-York, at all times subjects a man to great anxiety and vexation, aside from the pain inflicted on a sensitive mind by the cruel attacks and wanton abuse of political opponents, and the more deep and painful wounds inflicted by ostensible friends. It is almost the last situation which a man who desires ease and quiet would seek or even consent to occupy. From the opinion I have formed of Gov. Throop, I think he is naturally much inclined to a peaceful if not retired life. Without further inquiry therefore we are furnished with a sufficient reason for his retirement, especially as it was well understood that he could, if he desired it, receive an appointment from the national government, more lucrative, if less honorable, than that of governor of the state, the duties of which he could execute without being continually annoyed both by friends and enemies. But there were other reasons why it was wise in Mr. Throop to retire from further competition before the people. I have before remarked that his general deportment was not such as to render him personally popular, and that some times, when he appeared on paper, his productions were illy calculated to procure respect, either for his tact or talents. To a candidate for popular favor, ridicule is one of the most formidable weapons which can be used against him. That upright and honest man, Gov. Yates, may be said to have been destroyed by it.

Immediately after the election in 1830, Gov. Throop issued a proclamation for a day of thanksgiving and prayer of which the following was the first sentence:

"Whereas the wisdom of man is but a small light, shining around his footsteps, showing the things that are near, while all beyond is shrouded in darkness, manifesting our dependence upon a God of infinite wisdom, the Creator and Guide of all things, who directs our path through the dark and unseen places, and to ends which human wisdom foresees not, and evincing, that our condition here, whether of good or evil, is according to his good pleasure, operating upon our hearts and minds, and not according to our own will: Wherefore it is becoming, not only in individuals, but in nations to prostrate themselves before him, in humble thankfulness, for all the good things which he hath vouchsafed to them, and to implore the continuance of his divine favor, according to his good pleasure."

There is nothing particularly absurd in this, and yet the figure which presents to the imagination a man patrolling in a dark night the streets with a lamp or taper, "shining around his footsteps," is rather apruptly introduced, and affords a faint and feeble illustration of the idea which the governor wished to impress on the mind of the reader. I was at church when the proclamation was first read, and I recollect on my return home, a gentleman high in office, and a political friend of the governor, told me that, if that proclamation had been published twenty days before, Throop would have lost his election. The opposition seized upon this alleged blunder with great eagerness, and the governor soon acquired, among his opponents, the nick name of the "*small light.*" The disappointed office seekers among the political friends of the governor, charged their failure, not to their own unworthiness, but the enmity of the executive, or his want of capacity to discover



their merits. They, therefore, directly or indirectly, yielded their aid to render him personally unpopular. But the opposition to him from the valley of the Chenango canal presented the most formidable barrier to his success. The great majority given for Granger in 1830, in the democratic county of Chenango, afforded a demonstration which was tantamount to what the lawyers denominate, a *notice to quit.* The governor's message, and the conduct of his friends in the legislature since the autumn of 1830, had not been such as were calculated to allay the excitement against him, while Granger's course had been of a character which insured an increase of his popularity along the line of the projected canal.

In view of all these circumstances, it is not probable that the warmest friends of Mr. Throop desired that he should again be a candidate.

The integrity of Gov. Throop and the purity of his motives have never been questioned, and if he was deficient in literary taste or attainments, he certainly did give evidence of a sound mind and good judgment in the measures he recommended, and in the selections he made of persons to be appointed to office. Considering him as the representative and head of a political party, to which he was no doubt, from patriotic motives, honestly attached, it is difficult to designate a single *act* which he performed which was not discreet and proper. For my part, I think his opposition to the Chenango canal was one of the most meritorious acts of his life, although had he not have made that opposition he would probably, had he have desired it, been again nominated and elected govenor.

The profligate Charles II. at one of the many convivial parties of which he was a member, was told by a boon companion, that "He never said a foolish thing and never did a wise one." The jovial monarch wittily replied that the remark was just and the reason was, his words were

his own but his actions were those of his ministers. I do not mean to say that the reverse of this, as respects Gov. Throop, was true, and that he never wrote a wise thing, but I think I may assert with confidence, as governor he seldom did an unwise act.

The legislature adjourned on the 26th April.

The anti-masonic state convention assembled at Utica on the 21st June. They again nominated Francis Granger for governor, and Samuel Stevens for lieutenant governor. They also nominated electors for president and vice-president. Mr. William Wirt, late attorney general of the United States, a man possessed of brilliant if not of great talents, and one of the most amiable, virtuous and benevolent men in the nation, had been nominated by a convention which denominated itself a national anti-masonic convention, and Mr. Clay had been nominated by the national republicans. Both candidates and their respective political friends, were of course opposed to Gen. Jackson. The leading anti-masons did not hesitate to declare that they preferred Mr. Clay to Gen. Jackson; and as no reasonable expectation was entertained of the election of Mr. Wirt, it was believed the anti-masonic strength would ultimately be thrown into the scale of Mr. Clay. The candidates nominated for electors by this convention, were uncommitted as to the person for whom they would vote if elected. But my impression at the time was that if, when they should give their votes, in December, it should be ascertained that the electoral votes of this state would secure the election, by the electors, of Mr. Clay, it would be given to him; otherwise to Mr. Wirt. But it was an extremely awkward position which both the national and anti-masonic parties occupied on this occasion, from the fact that neither dare avow what candidate the electors, if chosen, would vote for. Mr. Croswell, in announcing the result of the proceedings of the Utica con



vention, with his usual inimitable tact and skill, thus showed up the embarrassing condition of the supporters of the electoral ticket nominated by the anti-masons, which by the bye, Was headed by the names of JAMES KENT and JOHN C. SPENCER.

"Judging from the names, as far as they are known to us, it is the *coalition*, as palpable as the thing can be, and not be formally announced by the contracting parties. Clay men, masons and anti-masons alternate through this combination of the factions; and this is the *quid pro quo* for the support, by the Clay partizans, of the anti-masonic candidates for governor and lieut. governor. The whole scheme is now apparent. We shall see how far the honest portions of both parties will concent to the transfer. The idea of a Clay state convention is the merest humbug. No such is to be held, or intended to be held. The bargain is completed, and even the mockery of its ratification by the Clay partizans (for that is all that another Utica convention would think of doing) will be avoided."

Contrary, however, to the predictions of the editor of the Albany Argus, a convention of national republicans was held at Utica on the 26th of July, of which Judge Spencer was chairman. The chief object of this meeting seems to have been to recommend the support of Granger and Stevens, and the electoral ticket nominated by the anti-masons. Before they adjourned, they adopted sundry resolutions, in one of which they recommended the support of Henry Clay for president, and John Sergeant for vice president of the United States.

I ought to have mentioned in its proper place, that the legislature in 1829, in pursuance of the recommendation of Mr. Van Buren, passed a law abolishing the district system, and directing the electors of president to be chosen by general ticket. It will be remembered that this law, which undoubtedly was very proper in itself, was

nevertheless, passed in direct opposition to the will of the people, shortly before that time expressed at the polls of the election. The Van Buren party at this period was a bold and adventurous party. While Mr. Clinton was living, they opposed the general ticket system; and when an appeal was made to the people, the rank and file men responded according to the wishes of their leaders. Some of the Adams party who were Clintonians were also in favor of the district system. In this way a large majority was obtained against a choice of electors by general ticket. Notwithstanding this fiat of the people, immediately after the death of Mr. Clinton, that fiat was entirely disregarded, and the district system abolished without a single word of complaint from any quarter.

If Mr. Clinton had been in life, would the friends of Mr. Van Buren have consented to the abolition of the district system?

Before the adjournment of congress, but at a very late period of the long session, the bill to re-charter the bank of the United States passed both houses by strong majorities, but the president, a few days afterwards, returned it to the senate with his reasons for declining to approve it. This veto message, as it was called, was long, and written with great ability. The rejection of the bill was the signal for commencing one of the warmest electioneering contests ever known in the United States. The bank, with its army of officers and debtors, constituting a considerable portion of the entire population in every state in the union, uniting its exertions with the national republicans and the old opponents of Gen. Jackson, while the friends of Jackson and Van Buren, and, I may say, the old democratic party, encouraged and cheered on by the state banks and their dependants, produced a war of no ordinary character for warmth and zeal. Independent of the merits or demerits of the application for a renewal of



the charter, the bank of the United States was guilty of conduct highly improper and deserving of censure. The expenditure of money *as a bank*, for printing and circulating electioneering hand-bills, the large loans made shortly before and during the pendency of the question before congress to members of that body, and to influential editors of newspapers, were acts which merit the most unqualified condemnation, and so far, it may be supposed, as example may influence those who come after us, it is fortunate that these nefarious efforts terminated unsuccessfully.

On the other hand, notwithstanding the veto message contained several very strong arguments, which applied with equal force against banks and banking in general, as to the bank of the United States, the state banks in their zeal to annihilate the great leviathan, and wishing to derive all possible aid from the influence of Gen. Jackson's favor and popularity, employed their officers, directors and dependents in circulating the veto message in all directions. The political press on both sides teemed with publications on the subject.

I regret to be compelled to record, that about the time this tremendous campaing was opened, one of the most talented and influential opponents of General Jackson, an able and useful legislator, departed this life. I allude to WILLIAM H. MAYNARD. He had gone to New-York in the performance of his duty as a member of the court of errors, and soon after his arival there, was seized with a malignant fever, supposed to be the Asiatic cholera, of which he died on the 1st day of September. I have copied the following notice of his death from the editorial department of the Albany Argus, written by Mr. Croswell, which s not only just to the memory of the deceased senator, but creditable to the candor and liberality of the editor.

"Mr. Maynard was in the prime of life, and may be said to have been in the maturity and vigor of his faculties. And his were the faculties of no ordinary mind. It was powerful; thoroughly imbued with the learning of the day, professional and political; logical and exact; and possessed, in a remarkable degree, of the power of bringing out and applying its resources.

"As a lawyer, as a debater in the senate, and as a capable writer, he has left few superiors among his contemporaries. Although of opposite politics with ourselves, we knew and estimated the power of his intellect, and, along with our friends, have felt the sharpness and force of an encounter with it. To his personal friends, his death is a severe deprivation. In the political party to which he was attached, he has left no equal, and none that can supply his place."

Mr. Maynard never was married. He had acquired by his practice in his profession a considerable estate, the greater part of which he bequeathed to charitable and literary institutions.

The period fixed for holding the Herkimer convention, was now rapidly approaching, and the members of the Albany Regency were casting about with anxious solicitude for the most suitable, which perhaps politically speaking, means the strongest candidates for governor and lieutenant governor. Gov. Throop being out of the question, there was little difficulty in arriving at the conclusion that WILLIAM L. MARCY was their best candidate for governor; but at his time of life, and with his political prospects, upon the supposition that he continued in the general government, he was not over anxious to put his popularity to a test, the issue of which was so uncertain as the result of the New-York election. The strength of the anti-masonic party was in a great measure unknown, and how many of the friends of Gen. Jackson



might leave the party in consequence of the veto message no human being could foresee. With this prospect before him, I can readily imagine that Mr. Marcy, having been recently elected to one of the most desirable offices in the government, had no great anxiety to be a candidate for governor at the then aproaching election. Both he and his friends were fully convinced that the majority in the state was wholly uncertain, unless the people of the Chenango valley could be satisfied, and so well satisfied that they would afford a cordial support to the democratic nominations, as against even their tried friend Francis Granger. How was this to be done? If I have not been misinformed, some short time before the meeting of the Herkimer convention, a highly respectable gentleman, and one of the most influential members of the democratic party, visited the county of Chenango and gave the people of that county assurance that the Herkimer convention would nominate Mr. John Tracy, of Oxford, for the office of lieutenant governor, and about that time, if not an express a tacit understanding was produced that the next legislature would pass a law providing for the construction of the Chenango canal. Thus the apprehensions of the democratic party, in the valley of the Chenango were quieted. They no longer manifested any inclination to support for governor the anti-masonic candidate, and the hobby which Mr. Granger had trained and ridden for a considerable time with great success, and which promised him still greater, at length jilted and jostled him off for other and more successful backers.

How were the regency to drop Mr. Edward P. Livingston and give the preference to Mr. Tracy without offending him? What explanation was made to him, I do not know. It is most probable that his political friends assured him that their ascendency as a party depended upon the nomination of Mr. Tracy, and therefore the necessity

which knows no law, especially in politics, demanded his retirement from office.

The Herkimer convention met on the appointed day, (19th September,) where these arrangements were carried into effect with great unanimity. Gov. Throop addressed a writen communication to the convention, in which he declined a nomination. His letter was dignified, but at the same time modest and respectful. Judge Marcy, on balloting for a candidate for governor, received one hundred and thirteen votes. There were only six dissenting votes. Mr. Tracy was unanimously nominated. It does not appear that Mr. Livingston made any written communication, declining the honor of being a candidate. This convention, of course, nominated presidential electors; and Mr. Livingston was recommended by it for one of the two state electors. Col. Young, on this occasion, again appeared in the political field, and was made chairman of the convention. It will be remembered that in 1824, when a candidate for governor, he had declared himself in favour of Henry Clay for president, in a letter written to Mr. Hudson of Madison; and in 1828, it was rumored that Mr. Young was inclined to support the re-election of Mr. Adams; but in 1832, he published a pamphlet, of course very ably written, in opposition to the renewal of the charter of the United States Bank; and in which he spoke in terms of high commendation of the character and policy of Gen. Jackson. If the confidence of any of his political friends in him had been previously impaired, the grounds taken by him in this pamphlet restored that confidence.

I need not say that the election was warmly contested, and that the parties were highly excited, because that such were the facts, must be fresh in the recollection of every reader.

and as I have asserted that an understanding existed between the leaders of the dominant party at Albany and the applicants for the construction of the Chenango canal, I deem it proper, although that understanding was not and could not be carried into effect until the session of the legislature in 1833, here to state, that soon after that legislature was organized, a bill for the construction of the Chenango canal was introduced into the assembly, without limitation as to the expense, or any other restriction, except that the commissioners were to take no water from the Oriskany or Sauquoit creeks, which, on the 1st day of February, passed that house by a vote of seventy-nine to forty. It was immediately sent to the senate, and on the 21st of February it passed that body, seventeen senators voting in favor of the bill and ten against it. Many of the democratic senators who heretofore had voted against the project in all its forms, now changed their votes. The reasons assigned by these gentlemen for their change of opinion were quite singular—I was going to say amusing. Several senators of high standing and character, declared in their places that they believed the project ought not to be sanctioned by the state; but as they had no doubt the applicants would persevere until a legislature would be chosen who would grant their request, they thought it their duty to vote for the measure: for if *they* did not pass the law, their successors would. To illustrate more clearly the rule of action by which these gentlemen profess to have been governed, I will suppose that I am quite sure that Tom Jones will steal your horse to-morrow night; and to prevent such an outrage, *I* determine to steal the horse this night!

The success of the bill must have been very annoying to Mr. Granger and his anti-masonic friends. He and they, no doubt, anticipated realizing much political capital from supporting this measure in opposition to the views

Perhaps no political party was ever better organized than the democratic party in the state of New-York at the commencement of the administration of Governor Marcy. All questions in relation to the selection of candidates for elective offices, either by the people or the legislature, were settled in caucus, and every member of the party was in honor pledged to support the decision of these assemblies. S. Wright, A. C. Flagg, E. Croswell, B. Knower, J. A. Dix, and James Porter, all of them discreet and sagacious politicians, constituted the soul of the Albany Regency, by the result of whose deliberations the democratic party, so far as related to mere political operations, were generally governed.

Gov. Marcy, who now controlled the executive department of the government, although he had for a year or two past been occupied in the discharge of his official duties with national politics, had, by no means, been inattentive to the scenes which were passing in his own state. He, therefore, may be said to have been quite at home, when he ascended the gubernatorial chair. The declaration which he made in the senate of the United States, that "to the victors belong the spoils," which was the subject of considerable and warm animadversion by his political opponents, did not impair his influence with his friends at home. It was a maxim by which they were governed. And, in truth, are not all political parties in this state, and to a considerable extent in the nation, governed by it? John Quincy Adams attempted to repudiate it, and was soon politically prostrated, Even Mr. Webster, who, with great zeal denounced Mr. Marcy for avowing the principle, himself practices upon it. The open avowal of it by Marcy was an evidence of frankness; a denial would have proved him a hypocrite.

The democratic party also at this period had the full benefit of General Jackson's personal popularity, and was

engineers, and the practicability of the work well ascertained. The expense has been uniformly estimated by the engineers, at less than one million of dollars; but the canal commissioners are of the opinion, that it will involve an expenditure beyond that sum. The amount of revenue it will yield has been variously stated; some think it will not be sufficient to keep the canal in repair, and pay the expenses of collection; while others who have given the subject an equally careful consideration, entertain a confident belief that it will be abundantly sufficient to bring the application within the rule I have laid down as justifying, in my judgment, the construction of any public work falling within it. It remains for you to decide upon these conflicting opinions. I commend this proposed work to your favorable notice, with the expression of a strong desire that its merits may be found such as to induce you to authorize its construction."

The election of Mr. Marcy as governor had left a vacancy in the senate of the United States. The peculiar situation of Mr. Van Buren as vice president and as candidate for president, rendered it very important for him that the senator to be elected from this state should be not only his personal and political friend, but a prudent, shrewd, sagacious man, and capable when the emergency required, of acquitting himself well as a floor member of that body. For the purpose of effecting these objects, the comptroller, Silas Wright, jun. was selected. This produced a vacancy in the office of comptroller, to which place Mr. Flagg was appointed, and Gen. Dix was made secretary of state. A young gentleman from Canandaigua, Mr. Levi Hubbell, was appointed adjutant general in lieu of Gen. Dix. The acquaintance of Mr. Hubbell in "the infected district," and his supposed influence there, was probably one motive which induced that selection.

I have before mentioned that the United States senate non-concurred in the nomination of M. M. Noah, one of the editors of the New-York Enquirer, to the office of surveyor of the port of New York. That decision of the senate was afterwards re-considered, and he was appointed; but from the course taken by Maj. Noah at the last presidential election, he probably anticipated a removal from his office, and therefore resigned. Hector Craig, formerly a Clintonian member of congress, who in 1825 voted for Gen. Jackson for president, (by the bye the only member belonging to that party who voted for him,) a very worthy and honorable man, was appointed to that office.

The term of service of Mr. Dudley, in the senate of the United States, was to expire on the 4th of March, and on the 2d February a legislative caucus was held for the purpose of nominating a successor. The members who composed this meeting were divided in opinion. Some were for N. P. Tallmadge, some for Judge Sutherland and some for B. F. Butler. On the first ballot no person had a majority of all the votes. After some consultation, Edward Livingston, the brother-in-law of Judge Sutherland, withdrew his name from competition as a candidate, and an attempt was made to concentrate the opposition on Tallmadge on Butler—but eventually the former obtained the nomination by a small majority, I believe three or four. Col. Tallmadge was the avowed friend of the protective or American system which induced Chief Justice Savage and Mr. B. Knower to favor his nomination, and which probably finally turned the scale in his favor. The next day opposition was made to his election by Mr. Sherman of New-York, and Mr. Westcott of Orange county, in the senate, and by Mr. Varian, Mr. Spencer and others in the assembly, upon the ground that he was constitutionally ineligible, he being then a member of the



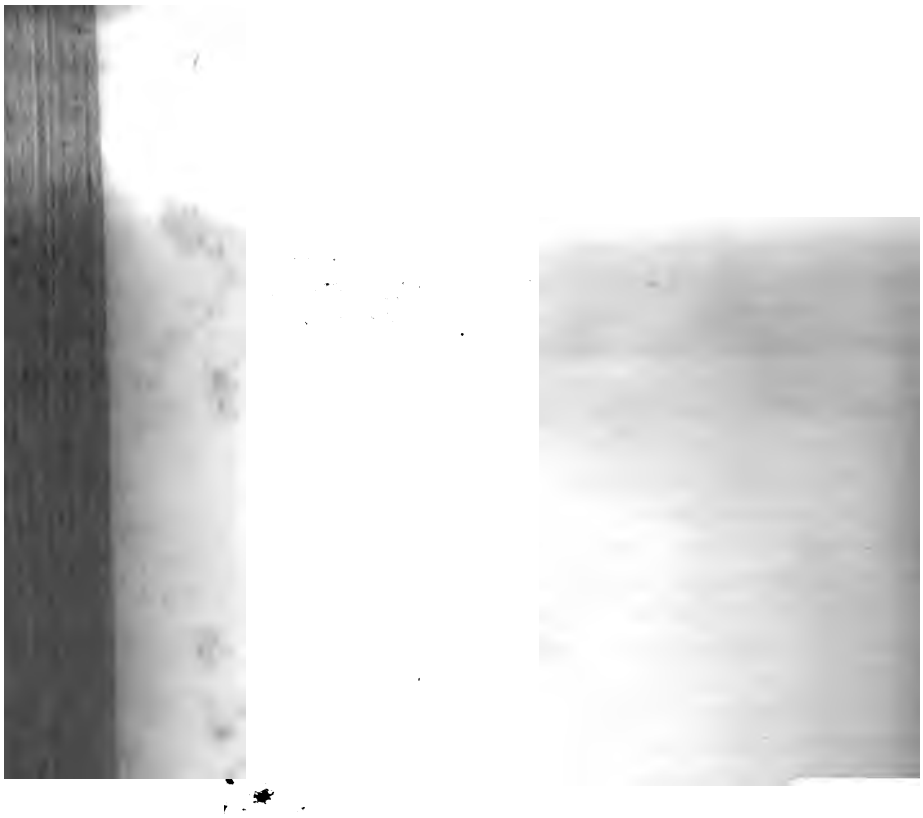


I have hefo[illegible]



WM L. MARCY.

F. Michaelis lith.



legislature. But this opposion was overruled by the majority. In the senate Mr. Tallmadge received eighteen votes, Mr. Granger six and Mr. Butler two; in the assembly sixty-nine votes were given to Mr. Tallmadge, twenty-five for Granger and twelve for Butler. Two senators, Messrs. Quackenboss and Cropsy, were excused from voting, and in the assembly it will be seen that but a small vote was given. Those who voted for Mr. Granger were anti-masons, but those who voted for Mr. Butler and those who declined voting at all, were of an opinion that the election of Mr. Tallmadge was unconstitutional. It will be perceived that there was but a small majority of the members elected to each house who voted for Mr. Tallmadge. If the majority of the legislature had not the constitutional power to elect Mr. Tallmadge, had not the senate of the United States a right, and was it not their duty to adjudicate on the question?

The famous compromise bill of Mr. Clay had passed both houses of congress; and been approved by the president, by which the vexed question in relation to the tariff was put at rest, and the country was now reposing in perfect peace and quietness. Money was abundant and our commercial affairs were prosperous; but in this state of the public mind, the president made a movement which produced much excitement, and called out a very bitter party feeling.

By the law creating the United States Bank, it was provided that the national revenue should be deposited in that bank, to be paid out and disbursed by it according to the directions it should from time to time receive from the treasury department. The secretary of the treasury had however the right to remove those deposites whenever, in his judgment, the public interest demanded the change. The intention undoubtedly was, that the national deposits should be continued in the bank of the United States dur-

ded it continued to be a safe de-
its stipulated duties in transmit-
public moneys according to the
The existence of the bank would
ar 1836, and the local state banks,
lden harvest growing out of the use
could not wait patiently the death
r the fruition of their hopes, but
the indignant feelings of Gen.
Biddle and the managers of the
aded him on forthwith to cause a
funds from that bank to their own

removed the secretary, and appointed Roger B. Taney, the present chief justice of the United States, in his place; and Mr. Taney forthwith issued an order for the removal of the deposits from the national to the state banks. This transaction roused to vigorous action the opposition to the natonal administration in every part of the United States.

It did not, however, produce much effect on the condition of parties in this state. It was very evident that, inasmuch as so large a portion of the revenue was collected in the port of New-York, the transfer of the national deposits to our own banks would greatly increase the wealth of our own citizens, and would facilitate bank accommodations to business men and speculators. It is easy to convince men that what is for their own convenience and interest is right.

The November election terminated almost universally in favor of the democratic party. The county of Washington changed from a very strong anti-masonic majority, and this year returned democratic members to the assembly. Mr. Isaac R. Van Duzer, who I have mentioned before as a young man of promising talents, being dissatisfied with the majority of his party, attempted, in Orange county, to get up an irregular ticket, of which he himself was the head; but it failed, and the regular democratic candidates were elected.

In the sixth senatorial district which, in 1830, had elected an anti-masonic senator, (Mr. Lynde,) Mr. Mack of Ithaca, the democratic candidate, this year obtained a majority of more than seven thousand. Even in the eighth district, Mr. Tracy's election was for a long time doubtful, and he ultimately succeeded with but one hundred and sixty-five majority. All the other districts elected democratic senators. Of the one hundred and twenty-eight members of assembly elected, one hundred and four were democrats.

Charters were granted to eight banking companies; and additions authorized to be made to the capital of some pre-existing banks.

January 7, 1834.—The late speaker and clerk of the assembly having been transferred to the senate, William Baker, of the county of Otsego, was chosen speaker, and Philip Reynolds, jun. of Montgomery, the editor and printer of a newspaper, was elected clerk. Mr. Baker received one hundred and thirteen votes for speaker, and there were ten blanks.

The governor's message, as is every thing else written by him, was able and well written, but was unreasonably long. This fault, if it be one, in our executive communications, has continued to prevail, and for aught I see, is likely to be increased rather than reformed. The governor, when on the subject of banks in his message, states the fact that already notice had been given that one hundred and five applications would be made during that session for bank charters.

Nathan Williams, judge of the fifth circuit, having become ineligible, by reason of his age, to continue in the exercise of his office any longer, resigned it, and the governor and senate appointed Samuel Beardsley his successor. Mr. Beardsley was at the time a leading and efficient member of the house of representatives of the United States in support of the national administration; and so fierce was the opposition, and so valuable were his services, that the friends of the president persuaded him to remain in congress, and of course to decline the office of judge. After Mr. Beardsley had declined, the governor appointed Hiram Denio to that office. Though contrary to the rule I had prescribed to be observed in writing this closing chapter, I cannot deny myself the pleasure of recording my testimony in favor of judge Denio as one of the most upright, discriminating and learned judges who

quent sudden enlargement of the discounts of the bank, and its increase of circulation, which occurred in 1835—6, affords strong evidence that this allegation was well founded.

In the winter of 1836, the distress produced by these operations of the bank, was felt in every part of the union, but most severely in the commercial towns. It infused fresh spirit and vigor among the ranks of the opposition in the state and nation. They characterized the act of General Jackson, in removing the deposits, as high-handed and tyrannical; and as an usurpation by the executive of powers which, according to the genius of the constitution, belonged to the legislative department of the government; and that by this measure, the president had obtained the possession and control of the national treasures, of which the representatives of the people in congress were the constitutional guardians. They, about this time, assumed the title of WHIGS, as the cognomen by which all those who were opposed to the administration of General Jackson, should be designated and known. It is remarkable, that when this attitude and name was assumed by the national republican party, the anti-masonic party instantly disbanded. They seemed, as if by magic, in one moment annihilated. That unbending, and as they were called, proscribing party, comprising many thousands of electors, among whom were great numbers of men of high character for talents and standing, and distinguished for their piety and sacred regard to the dictates of conscience, who had repeatedly most solemnly declared, they would never vote for an adhering mason for any office whatever, in one day, ceased to utter a word against masonry, assumed the name and title of whigs, and as it were, in an instant amalgamated into one mass with national republicans, a party composed as well of masons as of other citizens. This seems to me, a high evidence of the community of

feeling which existed among the members of the anti-masonic party; and that what is called the discipline of party was, by no means, confined to the democratic party in the state of New-York. It may, however, be said and it ought to be stated, because it is true, that the institution of masonry had, in point of fact, ceased to exist, and therefore, that the anti-masons had accomplished the object they originally had in view, which was the destruction of masonry. But then it is equally true, that masonry was as effectually demolished in November, 1832, as in February, 1834.

Early in the session of 1834, a resolution was moved in the assembly by a democratic member, approving of the removal of the deposits, which passed that house by a large majority. In the senate, the resolution was discussed with much spirit and opposed with great ability by Mr. Seward and other whig senators, but advocated by Messrs. Dodge, Edmonds, Suydam and others. It was finally adopted by the strong vote of twenty-three to five. I observe that Mr. Lynde, who had been elected by the anti-masons and national republicans, on this occasion voted with the majority.

At Washington, the action of the president on this then all absorbing question, was the subject of much and severe animadversion. On this occasion Mr. Tallmadge came out strongly in support of the president, and made an elaborate and able speech, in which he strongly contended that congress had no power to charter a bank, and of course that the law incorporating the existing bank was unconstitutional.

Such was the pressure produced by the action of the United States bank, that the New-York banks became seriously apprehensive that they should be compelled to suspend specie payment unless they could obtain some extrinsic aid. They represented their condition to the

governor, who on the 22nd of March, sent a message to the legislature recommending a loan of the credit of the state to the banks, in the shape of state stocks, to the amount of five or six millions of dollars, if the exigency of the banks should require such aid.

The legislature acted very promptly upon this recommendation and passed an act substantially in pursuance of the suggestion of the governor. But the bank of the United States perceiving that the New-York banks sustained as they now were by the credit of the state, could not be compelled to suspend the payment of their notes in specie, but on the contrary would be able to extend their loans for the relief of the commercial community, or from some other cause, soon after changed its course, and instead of curtailing began to extend its loans and increase its issues. The New-York banks therefore did not call on the state for any aid, and the state law was permitted to expire without any action being had under it.

An attempt was made by the whigs to render the governor unpopular for recommending this measure, which was stigmatized as a mortgage of the property of the people of the state, for the benefit of moneyed corporations, but it does not appear that these efforts had any injurious effect on his political character and standing. Indeed I am inclined to think, that at the present day his conduct in relation to this matter is approved of by all parties and especially by the whigs.

The result of the corporation election in New-York showed that the pressure upon the money marked, to whatever cause it was owing, had produced some effect in that city adverse to the democratic party. Mr. Lawrence, personally a very popular man, who was the democratic candidate for mayor, obtained only two hundred and thirteen majority over Mr. Verplanck, the whig candidate. Here then a majority of five thousand in the city of New-York

From the Fourth District, Samuel Young, and Jabez Willes,
" Fifth do., Abijah Beckwith,
" Sixth do., Levi Beardsley,
" Seventh do., Chester Loomis,
" Eighth do., Isaac Lacy.

In December, Simeon De Witt, surveyor general of the state, at an advanced age, departed this life. He had held the office of surveyor general uninteruptedly for the space of fifty years. His merits as a citizen, a philanhtropist, a friend and patron of the arts and sciences, and as an able and faithful public officer, I need not mention. They are known and universally acknowledged. What is most singular, and what indeed is the highest evidence of his personal worth and official merit, is that, although he always openly and frankly avowed his political opinions, and although he frequently belonged to the party which was in the minority, no party, during the lapse of half a century, ventured to remove him.

January 6, 1835.—The legislature convened on the day fixed by law. Charles Humphrey, of Ithaca, having, at a caucus held the preceding evening, been regularly nominated for speaker of the assembly, was duly elected. Mark H. Sibley, the successor of Mr. Granger and Mr. Spencer, from the county of Ontario, was the whig candidate, and received thirty-one votes—Mr. Humphrey received ninety-one.

The governor, in his message, reviewed the conduct of the United States bank, and gave a history of the proceedings under the act passed at the last session for loaning the credit of the state to the banks, or rather gave a history showing that no proceedings had been had under it. He recommended provisions for an enlargement of the Erie canal, and he advised the suppression of the circulation of all notes under the denomination of five dollars.

ject, it may be well to state that the convention met at Baltimore, as had been anticipated; that the states were generally represented, and that Mr. Van Buren received the vote of every individual; a result highly creditable to him and gratifying to his friends. In the selection of a candidate for the vice presidency, there was some diversity of opinion. Mr. Rives, of Virginia, had eighty-seven votes, but Col. Johnson, of Kentucky, received one hundred and seventy-eight votes, and was declared duly nominated.

Chief Justice Marshall died this year, and soon afterwards the president appointed R. B. Taney, the late attorney general, chief justice of the supreme court of the United States.

A bill was brought into the assembly for constructing the Black River canal, and passed that house by a majority of twenty-one votes, but it was indefinitely postponed in the senate by a vote of twenty-two against it. A bill for the construction of the Genesee and Olean canal originated in the senate, but it shared the same fate as the Black River canal, by about the same vote. But notwithstanding these cautious movements on the part of the senate, that same body of men concurred with the assembly, during this session, in the passage of a law involving the state in a vastly greater expenditure of money than could have been incurred by the construction of the Black river and Genesee valley canals. With very little discussion, and without causing the subject to be brought before the people at all for their consideration, they passed a law with the modest and almost unmeaning title of "An act in *relation* to the Erie canal," the first section of which was in the following words: "The canal commissioners are hereby authorised and *directed* to enlarge and improve the Erie canal and construct a double set of lift locks therein, as soon as the canal board may be of opinion that



the public interest requires such improvement."—[*Session Laws of* 1835, *p.* 314.]

Under the authority of this brief sentence, the canal board commenced an undertaking, which the governor in his next annual message, informed the legislature would cost twelve millions of dollars, but which it is now ascertained will required an expenditure, before it is completed, of from TWENTY to TWENTY-FIVE MILLIONS OF DOLLARS. It is true, there were provisions in the bill which required that the cost of this great work should be paid out of the moneys belonging to the Erie and Champlain canal funds; and that no very great advances should be made until the canal debt was paid off; that only the income arising from those canals was to be expended; and that out of that should be reserved for the current expenses of the state, the sum of three hundred thousand dollars annually. It was, notwithstanding, a mortgage of the principal part of the tolls of the Erie and Champlain canals for an indefinite period of time. The citizens of this state, who were in life from the year 1815 to 1818, and recollect with what painful apprehension and extreme reluctance the people consented that their agents should render them liable to pay the expense of constructing the Erie and Champlain canals, then estimated at from five to six millions of dollars, could not, and can not, but be astonished that the act for widening the canal, involving such immense expenditures, should have been passed by a legislature with so little ceremony, and without consulting their constituents. The times had changed, and men had changed with them. Neither individual liabilities nor public debts were dreaded now as then. But the passage of this law proves another position, which I have some where laid down, to wit: the great influence in the legislation of the state of New-York possessed by the repre-

sentation from the valley of the Erie canal. This was not a party measure.

The anticipation of the annihilation of the United States bank, which was entertained by all after the veto of the president of the bill renewing its charter, induced the most cautious statesmen to believe that the bank capital in the several states might be safely increased; and the eagerness for possessing bank stock, produced at the next session of the legislature after the veto, and at every succeeding session, numerous and pressing applications for bank charters. An investment in bank stock was exceedingly productive, when the United States bank was in full operation and the governmental deposits were made in that bank. What then must be the value of stock when the national deposits were transferred to the state banks; and when the United States Bank should cease to exist in those states where, as in the state of New-York, a monopoly of banking was, by the restraining law, secured to chartered banks?

The dominant party in the legislature perceived this anxiety, and they also perceived that a political advantage might be derived from it. To effect this they were careful in every charter which they granted in the selection of commissioners to distribute the stock, that a majority of them should belong to the democratic party. These commissioners, in the execution of their trust, generally distributed a large majority in amount of the stock among their political friends. Provisions were made by the legislature which ostensibly secured, or were intended to secure a fair distribution, but these provisions could be evaded with great facility, and in point of fact generally were evaded.

It is easy to see that such a state of things must have produced a great and almost irrisistable pressure for the grant of new bank charters on the legislature. The

The abuse of banking privileges and other chartered rights, and the influence of banks and other incorporated moneyed institutions in the legislature and among the people, alarmed a portion of the thinking and reflecting citizens of New-York, and many of them became opposed to the practice of granting, by legislative enactment, any exclusive privileges to any class of citizens. These feelings and views called into existence a political party who, styled themselves the equal rights party, but whom their opponents characterized by the name of the loco-focos. A brief account of the rise, progress and final amalgamation of this party with the democratic party of the state and nation, will be found in the next Chapter.

At this period, all branches of business indicated a state of unexampled national prosperity. American credit was high in every commercial country in the world. The products of agriculture commanded an exhorbitant price; the laborer was richly rewarded for his toil. Lands, both uncultivated and improved, suddenly rose in value, and money was abundant. The amount of bank notes in circulation was increased in consequence of the liberal loans made to merchants snd speculators by the deposit banks. In this state of things, the propensity for speculation became general, and the practice was soon carried to an unprecedented and alarming extent—an extent which, in its consequences, seriously embarrassed the industrious part of community, and resulted in the ruin of thousands. Notwithstanding the immense amount of bank paper in circulation, loud complaints were made on account of the want of greater facilities in borrowing money. It was alleged that more banking capital was required, and on the assumption that such was the fact, numerous applications to the legislature for bank charters were announced. Gov. Marcy, with a view to exhibit the true cause of a supposed want of banking capital, and to warn the public against



indulging a passion for wild and reckless speculations, in his annual message to the legislature in 1836, remarked that, "There can be no mistake as to the fact, and it should not pass unnoticed, that an *unregulated spirit of speculation* has, within the last year, prevailed to an unprecedented extent. Our citizens, who have been influenced by this spirit, have not confined their operations to objects within our own state. They have made large investments in other sections of the union. These operations have required something more than the use of our circulating credits. The amount of capital that has thus been transferred from this state to others, cannot be ascertained with any degree of accuracy, but it must be very great. These transactions, large as they have been, bear no comparision to the enormous speculations in stocks and in real property within our own state.

"The vacant lands in and about several of our cities and villages have risen, in many instances, several hundred per cent. and large quantities of them have been sold at prices which seem to me to have been produced more by the competition of speculation, than any real demand resulting from the increase of our population and actual prosperity. That the sudden rise in the price of these lands is ascribed to the true cause, is evident from the conceded fact, that most of them have been purchased, not for the purpose of being occupied by the buyers, but to be again put in market and sold at still higher prices. No estimate can be made of the amount of these transactions; but a conjecture may be formed as to the extent of the sales, from the fact that a single auctioneer in the city of New-York sold real estate during the year ending on the 30th September last, to the amount of more than twenty millions of dollars; and the character of these sales is indicated by the further fact that about eleven millions of this property was sold on a bid made by or for the own-

ers. It is proper that I should remark, that the speculations in real property in this state have not been confined to city and village lots, but have extended to farms and wild lands.

"I presume it will not be denied that a very considerable portion of capital has been devoted to these speculations in land and stocks. I have deemed it necessary to allude to these transactions with a view to lay open the true causes of the alleged deficiency of capital to subserve the purposes of commerce, manufactures, and the other pursuits of the productive classes of our fellow citizens, deeming it very important that these causes should be well considered before you attempt to apply a remedy, particularly such a remedy as is asked for—an unexampled extension of our credit system.

"It cannot, I think, be denied that a large amount of capital has been sent out of the state to subserve the purposes of foreign speculations. This is undoubtedly one cause of the want of sufficient capital to transact our ordinary business. It is not less true, I apprehend, that the existing banks have, to some extent at least, lessened their ability to accommodate persons employed in regular business pursuits, by affording assistance to those who are embarked in these speculations. This is another cause of the present want of banking facilities. But the main cause of this want, which now presses so severely on our fellow-citizens, is less obvious, but not the less entitled to your consideration. The passion for speculation prevails to an extent heretofore unknown, not only among capitalists, but among merchants and traders. The funds of these capitalists have been withdrawn to some extent from situations in which they afforded accommodations to business men, and they have consequently been obliged to press upon the banks to supply this deficiency in their means. Merchants and others have abstracted from their

It affords great relief to the patriotic and benevolent mind, in tracing the history of the proceedings of this legislature in their winter session, to perceive that they did not become so deluded by the airy visions and speculating mania of the day, as to lose sight of their duty to provide the means for diffusing intelligence among the rising generation, and of impressing upon their minds virtuous and patriotic principles. They passed an act for the establishment of a library in every school district in the state. The plan contemplated by the act has been improved by subsequent legislation, so that the system may now be considered as in a great degree perfected. It has not existed a sufficient length of time to convince all men of its value; nor has it yet ripened so as to produce those rich fruits, which will undoubtedly be eventually realized. It carries the recorded wisdom and knowledge, both of the ancients and moderns, into every neighborhood in the state; and by it, the poorest and most destitute child, to whom God has given the faculty to perceive the value and relish the pleasures of science, finds at his own door a mine, containing treasures of which he may partake as freely as of the air he breathes. But even this bill met with opposition in the senate. It gives me great pleasure to add, that my old and valued friend, Levi Beardsley, supported it ably and zealously; and it is more than probable that the bill would have been rejected, had it not been for the influence and efforts in its favor of Colonel Young and Mr. Beardsley.*

* At the time when this bill was before the senate, I was informed by Mr. Beardsley, that James Wadsworth, of Geneseo, was in Albany and took a deep interest in its fate. Mr. Beardsley intimated an opinion that its passage was in a great measure owing to his exertions and influence. Mr. Wadsworth has never, to my recollection, been a member of the legislature of this state, nor has he scarcely been known as a politician; but his benevolent efforts for the substantial good of community have, by means of his unwearied perseverance, his talents and great wealth, been widely extended and eminently successful. To diffuse a general knowledge of the art by which human life is sustained—the art or science

From the Seventh District, John Beardsley,
" Eighth do., Chauncey J. Fox.

All of these were elected on the regular democratic ticket, except Mr. Fox of the eighth district, who was a whig.

In the latter part of this year, Jacob Sutherland resigned his office of judge of the supreme court, and was appointed clerk of the same court, to occupy the office located by law at Geneva. That office had been made vacant by the death of Judge Williams. The vacancy occasioned by the resignation of Judge Sutherland, was supplied by the appointment of Esek Cowen, judge of the fourth circuit, and John Willard, then first judge of the county of Washington, was made circuit judge in lieu of Judge Cowen.†

The legislature met on the 5th January, 1836, and Charles Humphrey was again elected speaker. He is a man of talents, and was an excellent presiding officer.

I have already stated, in anticipation, a material part of the governor's message.

Not long previous to this time, a number of benevolent men from this and several other states met at Philadelphia, and formed an association, the avowed object of which was to convince, by reason and argument, and other peaceable means, the people of the slave-holding states, that negro slavery was a political and moral evil, and ought to be abolished. They also agreed to use their influence for effecting the immediate abolition of slavery in the District of Columbia. To effect their object, they recommended the organization of auxiliary societies in every part of the United States, and employed and paid men to travel from one section of the country to another, to deliver lectures, and to endeavor to excite public attention to a question, in which they believed personal liberty and human rights were deeply concerned. Many of the gentlemen who

† See Note J.

On the subject of internal improvements, the governor stated that the general fund was entirely exhausted; that the Chenango canal would cost, instead of one million, as had been represented, about two millions of dollars; that the enlargement of the Erie canal would cost at least twelve millions of dollars, and that he protested against pledging the state for any further works of internal improvement, unless the legislature would provide some specific means for the payment of the interest of the money which would be required to be borrowed. In the face of these facts, and this solemn warning, the legislature passed laws during this session for loaning to the New-York and Erie railroad company three millions of dollars, and for constructing the Black River and Genesee Valley canals. To these measures the majority in the legislature were goaded on by the whig newspapers and politicians, who charged them with being governed by narrow views and a secret hostility to all internal improvements. Against the assumption of these tremendous liabilities Col. Young, Mr. D. Spraker and a few other senators raised their voices and some feeble efforts were made in the assembly to arrest the progress of these measures, but their exertions were wholly ineffectual.

It is due to Col. Young to say, that from the time he took his seat in the senate, in 1835, until the termination of his legislative services, he pursued one steady and uniform course in respect to all questions in relation to expenditures by the state for newly projected improvements. He uniformly opposed all such expenditures. Col. Young, in his whole political career, has never temporized. He, on this subject as well as on all others upon which it has been his duty to act, avowed his opinions openly, and supported them zealously and ably. When he was elected a senator, in 1834, and for several years subsequent to that period, the public mind had become



fascinated with the benefits which it was supposed might be derived from canals and railroads, the most extravagant notions were entertained of the means of the state to discharge the pecuniary liabilities it might assume, and the anticipations of the amount of income which might be realized from proposed canals and railroads, was quite unsafe if not visionary. If men did not openly contend that "a public debt was a public blessing," they seemed at least to believe that an increase of expenditures for the purposes of internal improvements, would, as a matter of course, increase the wealth of the state. The same views prevailed among a large majority of the members of the legislature. Undismayed by this formidable array against him, Mr. Young took his position and maintained it with great ability and indomitable firmness.

During this year another vacancy occurred on the bench of the supreme court. Chief Justice Savage resigned his office. He was a man of great industry, sound mind and stern integrity. Judge Sutherland, it will be remembered, had resigned but a short time before, and had been appointed one of the clerks of the supreme court. The cause of his resignation was that he had a large family, and the salary of a judge was inadequate to defray his expenses. Such however was not the cause of the resignation of Judge Savage. His amiable and excellent wife was then lingering with a fatal disease, and he could not refrain from giving up his whole time and attention to the benevolent object of alleviating her sufferings at the closing period of her life. It was said and generally believed that he also resigned for the purpose of receiving the appointment of clerk, but I have been furnished with evidence the most indubitable that no such arrangement was in contemplation at the time of his resignation. [*See Note G.*]

The vacancy produced by the resignation of Judge Savage was supplied by the appointment of Greene C.

Bronson, and Judge Nelson was appointed chief justice, an office which he now holds.*

A law was passed during this session, authorizing the appointment of an additional canal commissioner, and William Baker, formerly speaker of the assembly, was appointed to that office.

Not long before the adjournment of the legislature, Mr. Kemble from the third, and Mr. Bishop from the fourth district, were charged before the senate with immoral and fraudulent speculations in stocks, and with being concerned with one Bartow, a cashier of the Commercial Bank at Albany, who had purloined a considerable amount of the funds of that institution and absconded. It was also alleged that while an act for extending the time for completing the New-York and Harlæm railroad was pending before the senate, Kemble agreed with Bishop to delay the final passage of the bill with a view in the mean time to purchase stock in the concern at a reduced price; that Bishop did so; that Kemble did purchase some of the stock, and that then he and Bishop both voted for the bill. Kemble was also charged with proposing to Mr. Benedict, one of the directors of the Commercial Bank, which had applied to the legislature for the privilege of increasing its capital, that he would support the application, and guarantee its success, if the directors of the bank would contradict the report that he was concerned with Bartow in abstracting the funds of that institution. It would occupy too much space to present even a sketch of the testimony given in support of these charges. It must suffice to say, that the accused were heard by their counsel at the bar of the senate, one of whom was Henry R. Storrs, one of the most, if not the most, eloquent advocates in the state; that one ground taken by the counsel was that the senate, *as a senate*, could not sit in judgment upon the moral or official conduct of a member, and that

* See Note J.

it could only try the accused on articles of impeachment found and prosecuted by the assembly, in which case a court for the trial of impeachment would be formed, consisting of the chancellor and judges of the supreme court. Gen. Maison, an excellent lawyer of Dutchess county, and eight others were of this opinion, but eighteen senators were opposed to them. Mr. Kemble finally resigned his seat in the senate before any question was taken.

A resolution was moved that Isaac W. Bishop had been guilty of moral and official misconduct, and carried by a vote of twenty-one to seven; but several of the senators who voted for this resolution believed that there were different grades of offences, of which the senate might take cognizance, if committed by their fellow members, some of which offences ought to be punished by a reprimand, and others by expulsion; and they did not consider the malconduct proved against Bishop of so flagrant a character as to merit expulsion; and these, together with those who believed, with Gen. Maison, that the senate could not sit in judgment on a fellow member, except as a component part of a court for the trial of impeachments, constituted a majority of the senate, so that when the question was taken to expel Mr. Bishop, there were sixteen against, and but twelve in favor of the motion. Mr. Bishop shortly after resigned his seat, and the next morning Col. Young and Mr. Van Schaick also resigned, alleging that they could not consent to remain members of a body, a majority of whom had determined that they would recognize as fellow members men whom, by their votes, they had declared to be guilty of moral and official misconduct.

James Madison, the able constitutional lawyer, and profound and patriotic American statesman, died on the 30th of June on his patrimonial estate in Virginia.

The whigs do not seem to have entertained much hope of success at the approaching election, for instead of selecting one of their strong men from the west as their candidate for governor, they nominated Jesse Buel of Albany, the former editor of the Albany Argus, for governor; and Gamaliel H. Barstow of Tioga, to whom the attention of the reader has been frequently called as an active member of the legislature, and in 1825 as state treasurer, for lieutenant governor. Neither of these gentlemen were anti-masons. This measure was probably the more readily concurred in by the leading anti-masons, as they had little hope of success, and as it would accustom their rank and file men to vote purely on political grounds for candidates for office.*

Mr. Buel was a very worthy citizen, and for several years had conducted with great ability and success an agricultural periodical paper which was published in Albany. He had, by his industry and economy, accumulated a handsome property, and lived much at his ease, but for several years after he gave up the state printing, he manifested a desire for political employment, and was spoken of by his friends, on several occasions, as a candidate for some of the state offices. His claims, however, were from time to time postponed, and either from disgust at repeated disappointments, or from dissatisfaction with the measures of the democratic party, or more probably from both causes, he connected himself with the whig party.

The democratic state convention met at Herkimer on the 14th of September, and with great unanimity nominated, for re-election, Marcy and Tracy. They also nominated a Van Buren electoral ticket. The two electors,

* There were two whig candidates for the presidency, Gen. Harrison of Ohio and Judge White of Tennessee. Judge White was the favorite candidate of the southern whigs, but Gen. Harrison was preferred by the whigs of the eastern, middle and non-slaveholding western states. The whig convention in New-York nominated a Harrison electoral ticket.

denominated state electors, were Mr. Lawrence of New-York, and Mr. McCall of Allegany county.

The election resulted in the entire success of the democratic party. The Van Buren electoral ticket obtained a majority over that for Gen. Harrison of about twenty-nine thousand. Governor Marcy's majority over Mr. Buel was twenty-nine thousand four hundred and seventy-four.

There were elected to the assembly ninety-four democrats and thirty-four whigs. In the senate:

From the First District, Frederick A. Tallmadge,
" Second do., Henry H. Van Dyck,
" Third do., Noadiah Johnson,
" Fourth do., Samuel Young,
" Fifth do., David Wager,
" Sixth do., Daniel S. Dickinson,
" Seventh do., Samuel L. Edwards,
" Eighth do., Samuel Works.

Some symptoms of a division in the democratic party, in relation to banks and banking, was exhibited in several parts of the state. At Utica, a paper called the Utica Democrat had been established, which took strong ground against the monopoly of banking, and indeed seemed rather to denounce the whole paper currency system. It denounced the "Oneida Observer," an old and leading democratic paper in the city of Utica, then conducted by Jas. Watson Williams, Esq., a young man of fine talents and son of the late Judge Williams, and with it Mr. Wager, who was the regular democratic candidate for the senate from the fifth district. The Utica Democrat was said to be under the control and management of Mr. Floyd, the present member of congress from the county of Oneida.

Mr. Wager, it was said, was largely interested in banks, and in principle and feeling devoted to their interest. In

consequence of these allegations, although the legitimate democratic majority was large in the district, he came very near losing his election. In some places he received very few votes, and in one of the largest and most democratic towns in the county of Otsego, only three votes were cast for him. But the most unexpected result happened in the city of New-York. In that city the locofocos and whigs, in relation to most of the city candidates, voted the same ticket, and such candidates were elected. A more particular account of the proceedings in New-York will be found in the next chapter.

The state of South Carolina, still wandering in the mazes of nullification, declined voting for president, as neither of the three presidential candidates would acknowledge themselves believers in the peculiar doctrines put forth by Mr. Calhoun, the organ, if not the leader, of that state. There were, therefore, but two hundred and eighty votes given for president, and of these Mr. Van Buren received more than forty majority over the whole number of votes given for Gen. Harrison and Judge White.

Towards the close of this year, Mr. Hubbell resigned the office of adjutant general, and retired to the village of Ithaca, in the county of Tompkins, where he resumed the practice of law. He afterwards joined the whigs, and became an active and influential member of that party. Whether he had changed his political sentiments before he resigned, I am not advised. The governor appointed Allen McDonald, a senator from Westchester county, his successor.

The appointment of Greene C. Bronson to the office of justice of the supreme court, left vacant the office of attorney general, and Samuel Beardsley, then a distinguished member of congress, was appointed to supply the vacancy.

The legislature convened at the usual time in January, 1837, and the county of Tompkins not having returned

3. They held it improper for the president, by such a solemn public semi-official declaration, to commit himself against all convictions of his mind and conscience on a great moral and political question, in which the rights of humanity were so deeply concerned.

Never did a political party, whose ascendency depended on the voice of a free and intelligent people, seem more firmly and permanently established, than the democratic party in the state of New-York, in the winter of 1837.

In the executive chair of the nation their former leader and favorite son was fixed, at least for four years to come, their governor, a man confessed by his opponents to possess talents which eminently qualified him for his station, and a most spotless private character, had been re-elected by the unprecedented majority of twenty-nine thousand; in the popular branch of the state government, nearly two to one of the members were democrats, and in the senate, the more permanent body, they held a majority of more than five to one. In every town and county in the state, the democratic party was perfect in its organization and discipline, and at that time the moneyed interest in the state was most decidedly in favor of sustaining both the state and national administration. Who would have anticipated its overthrow in less than nine short months, and its utter prostration (politically) in less than two years?

Early in the spring, indications were perceived of a money pressure of unexampled severity, not produced as that of 1834 had been, by the bank of the United States, (for that institution was now so embarrassed as to be powerless,) but other and more formidable causes. The great majority of the people, especially that portion of them called country people, had so recently been convinced that the failures which occurred in 1834, and the panic which succeeded them, had been designedly produced by the United States Bank, by the sudden curtail

than forty millions of dollars. This surplus, congress, by law, against the wishes of Mr. Van Buren and his confidential friends, (foreseeing, as they probably did, the embarrassments which would result from the proposed measure,) ordered to be distributed among the several states, in a ratio proportioned to the number of presidential electors to which each state was entitled. The banks had supposed, that inasmuch as no national debt then existed, the surplus money would remain in deposit with them until the exigencies of the government should require its expenditure; and had, therefore, treated this immense amount of money as so much capital on which they could make loans to their customers, and had, undoubtedly, made large loans, relying upon these funds of the government as means of redeeming their own notes.

The order issued from the treasury department in pursuance of this law, for the distribution of these funds among the several states, was to the banks extremely embarrassing, and they complained that the mode of distribution adopted by the secretary, Mr. Woodbury, was unwise and unnecessarily oppressive. These were the principal alleged causes of the pressure. But I apprehend a still more efficient cause was this:

Immense importations of goods had been made from Europe; and to pay for these goods, drafts had been made on several large American houses in England by the American merchants. The Bank of England became alarmed, curtailed generally its discounts, and threatened, and I believe for a time wholly refused, to discount for the American houses. Hence bills drawn by American merchants on those houses were protested for non-payment or non-acceptance; and the return of those bills to this country produced a demand on the banks for specie to be shipped to Europe. Probably this cause, more than any other, produced the embarrassment and ultimate suspension of



payment by the banks of New-York. It is, however, with diffidence I make this statement; for being neither a merchant nor a banker, nor even a citizen of a commercial city, I may well doubt the correctness of my own judgment, and even the accuracy of the facts upon which it is founded.

This accumulation of difficulties could not be withstood by the banks. A day or two before the period fixed for the adjournment of the legislature, the news reached Albany that the New-York banks had suspended specie payment, and it was soon ascertained that almost simultaneously every bank in the United States had also suspended.

One excellent provision contained in the safety fund law, is that in case any bank shall refuse to pay its notes on demand, in current coin, the chancellor shall order its effects to be delivered over to a receiver, and shall issue his injunction, forbidding it to issue notes, &c., and eventually such a refusal works a forfeiture of its charter. Unless, therefore, the operation of this law should be suspended by the fiat of the legislature, every bank in the state must have ceased discounting, and eventually have been annihilated. The legislature, therefore, without a moment's delay, passed a law suspending any action under this part of the safety fund act for one year

This bill passed the senate with only two dissenting voices, Col. Young and Mr. Willes; in the assembly by the strong vote of ninety-five to nineteen.

Immediately after the passage of this law, Mr. Tracy brought in a bill, enacting that the "act to prohibit the circulation of small bills, passed March 31, 1835," of which I have heretofore spoken, be suspended for one year. Action upon this bill was opposed by Mr. Loomis and Col. Young, who, by that means, defeated its passage by a vote of fifteen to thirteen. I observe that Mr. Beardsley, Gen. Maison, Mr. Sterling and Mr. Livingston

voted in favor of Mr. Tracy's bill, and it is remarkable that a majority against it could have been obtained. It was probably the refusal to pass this bill, more than any other cause, which carried the multitude against the democratic party at the then ensuing election. We shall see the inconveniences and sacrifices which this imprudent act of the majority produced. Some apology, however, is to be found for them in the circumstance, that the news of the suspension of specie payments came upon them suddenly, and took them by surprise, at the very moment when they were about to adjourn without day; and very little time was allowed them for consideration and reflection.

The corporation election in New-York, which took place during the last days of the session, exhibited a state of feeling in that city, which must have been alarming to the representatives of the democratic party.

Aaron Clark, who, it will be recollected, was for several years clerk of the assembly, was the whig candidate for mayor, and was elected over Mr. Morgan, a man of great respectability, by a majority of three thousand votes; and the whig majority in both branches of the common council was very large. Mr. Jaques, the loco-foco candidate for mayor, received about four thousand votes. The whigs also succeeded in the election of the city officers for Albany.

Before, and especially after the suspension of specie payment by the banks, the Washington Globe, a newspaper which was considered as the organ of the national administration, and the Evening Post, a leading democratic paper in the city of New-York, animadverted with great severity on the conduct of the banks; and some of the articles in the Globe were calculated to produce suspicion in the public mind of the soundness and solvency of the banks in general. This induced some of the friends of Mr. Van Buren to suspect that he had in view, so far as

considering the message, it may be proper to glance at the legal condition in which the suspension of specie payments by the banks had placed the executive government of the United States.

By the law passed by congress, I believe in 1836, regulating deposits by the treasury and the receiving officers of the government, among other restrictions they were required not to deposit the national funds in any bank which did not, on demand, redeem its notes in specie, and by another law or resolution of congress, passed in 1816, the United States' officers were prohibited from receiving or paying out any bank notes not convertible, at the place where they were received, on demand, at the will of the holder, into current coin. In the month of May, when the president issued his proclamation, every dollar of the funds of the government was in the possession of the banks, and all the banks refused to pay out any specie, even to those (including the government) for whom they held deposits. In this condition of affairs, it was impossible for the government to move an inch without a palpable violation of law. Hence the necessity of the immediate action of congress, and hence the absolute necessity of the call of an extra session.

Mr. Van Buren, from his first entrance upon public life, until the period about which I am now writing, when he had reached the pinnacle of power, had been constantly charged with the disposition to avoid responsibility, with timidity and irresolution, with respect to means, and with being governed by a trimming and electioneering policy. Even his best friends were apprehensive that he was over cautious and lacked that moral or political courage necessary for the executive head of a great nation, in order to meet those exigences which might require bold and decisive action. I think I shall not be charged with undue partiality if I assert that, from the moment he became a



discharge the duties of fiscal agents, what, then, was to be done?

In obedience to the behest of the constitution, he recommended that the treasury of the people should be kept by the officers of the people, and that there should be an entire and total separation of the business and property of the government from the business and concerns of the banks. The remarks of the president in this message were strictly confined to the objects for which congress had been convened. It contained nothing declamatory, nothing desultory, and is, whatever opinion may be formed of the soundness of the positions it assumes, in my judgment one of the most perfect specimens of executive communications to a co-ordinate branch of the government which can be found in print.

The message and the scheme recommended by the president were represented by the whigs as a direct attack upon the banks, and what was called the credit system. They insisted that if the president's views were carried out, the prostration and destruction of all banks would be inevitable, and that finally a metalic currency would alone constitute the circulating medium, which would be wholly inadequate to the exigencies of a commercial community like that of the state of New-York. Another ruinous consequence which they predicted, and indeed which must have resulted, assuming that the banks were to be destroyed, was a reduction of prices fatal and ruinous to the debtor. The message was very unfavorably received by the political friends of the president in this and the other states who were interested in banks. His scheme, if carried into effect, would greatly reduce the profits, I may say the enormous profits of banking, and they considered the message confirmatory of their suspicions that the editorial course of the Globe had been taken in accordance with the principles of the president.



A small portion of the members of the house of representatives, and Mr. Rives of Virginia, and Mr. Tallmadge of this state, of the senate, alleging that they wished to preserve the banks and the credit system, (and hence they assumed the name of conservatives,) indicated their opposition to the independent treasury scheme. On the other hand, Mr. Van Buren, in consequence of the doctrines put forth in his message, gained the powerful support in the senate of Mr. Calhoun of South Carolina.

The conservatives in the house of representatives, of whom Mr. John C. Clark from Chenango, was one of the most active, opposed the re-appointment of the printers of the Globe (Messrs. Blair & Rives) as printers for that house. Several ballotings took place, and at the first the whigs supported Messrs. Gales & Seaton; but after some dozen trials they came over to the conservatives, and Thomas Allen, editor of the Madisonian, a conservative newspaper, was elected.

A bill was brought into the house of representatives, in conformity to the recommendation of the president, but after much desultory and sometimes excited debate, it was laid on the table, on the motion of Mr. John C. Clark, by the combined vote of the whigs and conservatives, who together constituted a small majority. This was a test vote and the result proved the determination of that house not to pass the bill at any rate, during that session. Congress therefore adjourned without doing any thing for the relief of the country, except authorizing the executive government to issue and circulate a certain amount of treasury notes.

The banks in the state of New-York conducted their business, after the suspension of specie payments, with great prudence and discretion. They pursued, with steady perseverance, a course to curtail their circulation and diminish their liabilities, and at the same time so gra-

dually as to produce very little inconvenience to those of their debtors who were solvent and had a reasonable prospect of ultimately paying their debts. But great and universal trouble and embarrassment was felt for the want of bills less than five dollars. The banks would not pay out specie to their customers for change. In fact if they had been disposed to do so, it would have been of little use, for when silver and gold was ten or twelve per cent, above paper, it would be hoarded or sold. It was therefore impossible that it could circulate, in this state of things, among the mass of business men, and especially among the poor, who receive and pay out money in small sums. It was highly penal by law to issue or circulate bills for the payment of money, as money, of a denomination less than five dollars, and the law was equally severe against offering or receiving in payment, bank notes for a sum less than five dollars, issued by the banks chartered by the neighboring states. But notwithstanding a heavy penalty for a violation of this statute, necessity, which knows no law, forced into circulation an immense amount, it was said two millions of foreign small bills. Besides the risk incurred in paying or receiving these bills, great difficulties were experienced in discriminating between the genuine and the spurious bills, and between those issued by solvent and those put in circulation by insolvent banks, and great losses in the aggregate were sustained in consequence of those difficulties. These losses more generally fell upon the poorer and most numerous class in community. So great was the inconvenience felt, in consequence of the want of authority on the part of the banks to issue small bills, that the citizens of Broome county, most of whom represented themselves, and no doubt were, political friends of the governor, petitioned him in form to call an extra session of the legislature, for the express purpose of authorizing the banks to issue small notes. The gover-

themselves were opposing the same administration in consequence of its supposed hostility to them.

The mass of opposition which had been accumulating from the time the severity of the money pressure was felt, in March, burst like a torrent at the November election. It was a perfect tornado, which swept through nearly every county in the state. The triumph of the whigs was complete. Out of one hundred and twenty-eight members of assembly, the whigs elected one hundred and one, and they carried six of tne eight senatorial districts.

The names of the gentlemen elected, were

From the First District, Gulian C. Verplanck,
" Second do., Henry A. Livingston,
" Third do., Edward P. Livingston,
" Fourth do., Martin Lee,
" Fifth do., Avery Skinner,
" Sixth do., Laurens Hull,
" Seventh do., John Maynard,
" Eighth do., William A. Moseley.

Mr. E. P. Livingston and Mr. Skinner were the only democrats chosen; and Mr. Livingston's majority was very small.

It was a circumstance fortunate for the whig party, that the tri-annual election for sheriffs and clerks took place this year. Every one knows the great political influence which these officers, especially the sheriffs, have with the people of their respective counties. As the success of the whigs happened at an election when most of these officers were chosen, they were enabled by that means to gain a stronger foot-hold among the people, so far as official patronage and influence may be supposed to contribute to that object, than if their triumph had occurred the year before or the year after.

This election brought into the legislature several gentlemen of talents belonging to the whig party, who, from



surveyor general by a vote of eighty-six to twenty-six. The senate nominated Dr. Campbell. Upon joint ballot Mr. Campbell received forty-two votes and Mr. Holley ninety-seven, who was of course declared duly elected. About the same result was produced in the choice of a state treasurer, and Dr. Barstow, of Tioga county, was elected in lieu of Mr. Keyser. The vote in the senate stood for Campbell and Keyser twenty, and for Holley and Barstow ten.

Mr. Holley is a man of science and fond of literary pursuits. He had spent some portion of his previous life in conducting the Troy Sentinel, a political newspaper which, considering the general character of the political press in this state, he managed with great moderation and considerable ability.

The whigs embraced the earliest opportunity, after the assembly was organized, to bring in a bill to repeal the law prohibiting the banks from issuing bills under five dollars. Indeed, I believe Mr. Taylor, of Ontario, an active and leading member, either brought in a bill or gave notice to that effect on the first day of the session. It passed the house, but in the senate it was amended by a party vote, merely suspending the law against the issuing of small bills for two years. After considerable discussion in the senate, and altercation between the two houses, the assembly concurred in the amendment of the senate, and the bill was passed. It is singular that during the elaborate discussions which took place on this apparently "*small*" subject, so little was said of the real use of the law when the banks should have resumed their regular action by the payment of specie for their notes, in being the most safe, certain and least inconvenient means of checking the excessive issues of bank notes by causing a continual but moderate demand for their payment in coin.

held. That circumstance produced considerable complaint, and Mr. Bronson, at the extra session, having voted for Allen for printer to the house, and manifested other symptoms of conservatism, it was charged that he had been induced to support the great measure of the president by a promise of this office, and now the office was kept vacant a long time to the great inconvenience of the public, for the purpose of enabling both parties to the bargain to consummate and perform the contract. Either to prove the falsity of these allegations, or for some other cause, Gov. Marcy did not re-nominate Mr. Bronson, but appointed Philo Gridley of Madison, to the vacant judgeship. Without any disparagement to the talents or merits of Mr. Bronson, I may be permitted to say, that the public have been no loser by these occurrences. Judge Gridley is, beyond controversy, one of the best lawyers and most efficient and useful judges in the state.

Mr. Ruggles, of the assembly, made a report to that house on the subject of internal improvement, and on the financial condition of the state and its capacity to furnish funds, in which he presented its resources as exceedingly great and competent for almost any emergency. The report recommended very large appropriations for the speedy completition of the Erie canal, and for various other objects of internal improvements. A bill, somewhat in conformity to the views of the committee, was passed in the assembly, but was amended in the senate, so as to appropriate four millions of dollars to be expended during the current year, for the enlargement of the Erie canal. It is remarkable that the internal improvement bill, committing the state for the expenditure of an immense amount of money, passed the assembly almost unanimously, only three members, Drake, a very intelligent man from Otsego, Floyd of Suffolk, and P. King of St. Lawrence, voting in the negative.

A bill to authorize the business of banking, commonly called the general banking law, passed the assembly by a vote of eighty-six to twenty-nine. I observe that most of the democratic members voted against it. In the senate it underwent some alterations, but it finally passed that body after it had undergone several amendments, twenty members voting for it and eight against it.

Before the final vote was taken, Mr. Powers offered a resolution purporting that it required two-thirds of the senators elected to vote in the affirmative in order to pass the bill constitutionally. This resolution was negatived, seventeen to ten. To me it is singular that Col. Young, who had so often denounced the monopoly of banking, should have voted against the final passage of this bill. He probably disapproved of its details.

The legislature adjourned on the eighteenth day of April.

The session was not remarkable for political excitement among the members. Mr. Mann of Herkimer, and Mr. P. King of St. Lawrence, were the most efficient and active in the opposition, and some unpleasant passages took place between both these gentlemen and the speaker. But Mr. Bradish was a person possessing great self command, and habitually gentlemanly and courteous in his deportment, whether in or out of the chair. The altercations therefore passed off without leaving any lasting impressions on the minds of the parties. A resolution of thanks to the speaker for the ability and impartiality with which he had discharged his duties, was moved by Mr. Wardwell, of Jefferson county, a democratic member, and unanimously adopted. If I recollect rightly, Mr. Mann, in a manner very creditable to himself, publicly expressed the kind feeling he entertained towards Mr. Bradish, as a presiding officer.

At the regular winter session of congress, the independent treasury bill was introduced into the senate and passed that body; but when the bill was sent to the house of representatives, after much and long discussion, it was laid on the table by the vote of a small majority of the members.

Before the adjournment of the senate, Gov. Throop was appointed by the president minister to Naples.

The result of the New-York charter election afforded evidence that the whigs had suffered a loss of strength in that city. They obtained a majority of one only in each branch of the common council, and Mr. Clarke, who the preceding year had received a majority for mayor of three thousand votes over his opponent, was this spring re-elected by the bare majority of ninety-nine.

The election which took place in several of the states during the summer and autumn of 1838, resulted much more favorably to the general administration than had been anticipated. In several of the states which in 1837 had given majorities against it, the whigs were beaten, and in some instances by considerable majorities. This inspired the democratic party in New-York with strong hopes of success. During the summer, preparations for the November contest were made with great spirit and vigor by both parties.

The whigs for a time were divided in relation to the most eligible candidate for governor. Some were for Mr. Granger, others were for Mr. Bradish; but the current ultimately settled down in favor of Mr. Seward for governor and Mr. Bradish for lieutenant governor, and they were accordingly nominated with apparent unanimity at a state convention held at Utica on the 12th of September.

On the same day, a democratic convention was held at Herkimer, when Marcy and Tracy were again unanimously nominated for a re-election.

On the 3d day of October, a meeting of gentlemen from various parts of the state was held at Syracuse, who had formerly belonged to the democratic party, now calling themselves conservatives. Among the leading and most influential members of this convention, were Mr. N. P. Tallmadge of the United States senate, John C. Clark of Chenango, and Judah Hammond of New-York. Among other resolutions, they adopted one for the support, by the conservatives, of Seward and Bradish.

The election resulted in favor of the whig candidates for governor and lieutenant governor. Their majority was about ten thousand. In the assembly, the whig majority was not so large as the year before, but it was now nearly two to one. In the senate the whigs carried five of the eight districts ; but this left them still in the minority in that branch of the legislature.

The senators elected were,

From the First District, Gabriel Furman,
" Second do., Daniel Johnson,
" Third do., Alonzo C. Paige,
" Fourth do., Bethuel Peck,
" Fifth do., Joseph Clark,
" Sixth do., Alvah Hunt,
" Seventh do., Robert C. Nicholas,
" Eighth do., Henry Hawkins.

The second, third and fifth districts elected democratic senators.

The very large whig majorities in some of the western counties surprised every one. Thus, Chautauque gave about two thousand two hundred majority, Erie two thousand six hundred, and Genesee more than three thousand. Ulster county, which had given such strong Jackson majorities, now gave some hundreds the other way. Jefferson, which last year elected democratic members, this year gave the whig ticket a majority of about six hundred

Perhaps I may as well here, as in any other place, designate two other causes which I suppose tended to swell the whig majority.

The first I shall mention was that an insurrection had broken out in Canada, and many of our citizens near the borders of that province, were desirous to join them or afford them aid; and some did actually join them, and others gave them assistance. The president and Gov. Marcy issued, as was their duty, orders to prevent, so far as they could, any American citizen from becoming a party to that contest. In consequence of this course by the state and national governments, it was easy for artful electioneerers to turn the sympathy felt by our border citizens, for the Canadian patriots, as they were called, into a hostile feeling towards Gov. Marcy. Hence it will be perceived, that the county of Jefferson changed from a democratic majority, in 1837, to a large whig majority in 1838. I, by no means, intend to intimate that the whig party, as such, countenanced the border citizens in the violation of their duty as citizens of the United States, but they undoubtedly had not the least objection to avail themselves of the prejudices of those citizens.

The other cause to which I have referred was this:—It may be recollected that, in 1830 many national republicans, who were masons, abandoned their party solely because a majority of the party supported Granger, the anti-masonic candidate for governor. These men were never democrats, nor were they ever at heart pleased with Gen. Jackson for president, nor indeed with the party which supported him. They however continued with the party, because they could find no reasonable excuse for abandoning it, and because they feared the domination of anti-masonry in some form. But anti-masonry had been now for years annihilated, and these national republican masonic Jackson men rejoined their old friends. In any

other way, it is extremely difficult to account for the great change in Ulster, Albany and Rensselaer counties.

The whig ticket succeeded in New-York by a small majority, and C. C. Cambreling failed in being re-elected to congress.

After the result of the election was known, great efforts were made by many of Marcy's political friends, to induce him to call together the senate for the purpose of transacting executive business. There were, I believe, at that time some vacancies which, had the senate been in session, it would have been proper to have supplied by new appointments, but the real object was to enable those office-holders, whose term of office would expire during the next two years, to resign, and to procure the appointment of other persons, who were the political friends of the governor, and the personal as well as the political friends of the incumbents. These applications were urged with great ardor; but the governor had the virtue and firmness to resist them. The high moral sense of WILLIAM L. MARCY would not permit him to lend himself to such an expedient for party purposes, or to gratify the desire for office, even of some of his ardent friends.







W^M. H. SEWARD.

F. Michelin's Lith. N.Y.



W. H. SEWARD.

E. Michels Lith. N.Y.



RIGHTS, or, as they were called
Loco-Foco party in the city of

een in the interior of the state,
omposed this party having been
ents of the city, I am unable to
fear accurately, the movements

After the committee have thus agreed on the candidates, a general meeting of democratic citizens is invited at Tammany Hall, where the report of the nominating committee is made, and at that stage of the nominating process, may be accepted, amended or rejected, by a majority of the citizens so assembled. The anti-monopolists resolved, at the meeting which was to be held a few days before the election in November, 1835, at Tammany Hall, to hear and act on the report of the nominating committee, and to resist the confirmation of the nomination of Mr. Lee and others, of whose principles they disapproved. The friends of these candidates anticipated opposition, and of course, at the hour appointed for the meeting, an immense crowd collected. The first question which arose, and which would test the strength of the parties, was the selection of a chairman. the friends of Mr. Lee, whom we will call Tammany men, supported Isaac L. Varian, since mayor of New-York; and the anti-monopolists supported Joel Curtis. The Tammanies entered the hall as soon as the doors were opened, by means of back stairs, while at the same time the equal rights party rushed into the long room up the front stairs. Both parties were loud and boisterous; the one declaring that Mr. Varian was chosen chairman, and the other that Mr. Curtis was duly elected the presiding officer. A very tumultuous and confused scene ensued, during which the gas lights, with which the hall was illuminated, were extinguished. The equal rights party, either having witnessed similar occurrences, or having received some intimations that such would be the course of their opponents, had provided themselves with *loco-foco* matches and candles, and the room was re-lighted in a moment.

The next day both parties claimed the victory, but the mass of the democratic party in the city supported at

the election which took place a few days afterwards, the Tammany nomination as the regularly formed ticket.

Immediately after this outbreak at Tammany Hall, the Courier and Enquirer, a whig, and the Times, a democratic, (afterwards conservative,) newspaper, dubbed the anti-monopolists with the name of the Loco-Foco PARTY, a sort of nick-name which the whigs have since given to the whole democratic party.

The anti-monopolists refused to support the election of Mr. Lee, and several of the democratic candidates for the assembly.* They nominated C. G. Ferris for congress, and three or four candidates for the assembly. This ticket received four or five thousand votes, but the Tammany ticket eventually succeeded.

After the election, various meetings were held with a view of organizing a political party, and at length, in January, 1836, a county convention assembled and framed a constitution and a code of by-laws for the regulation and government of the new party. A declaration of rights, drawn by Dr. Moses Jacques, was presented to the convention and adopted, of which the following is a copy:

"DECLARATION OF RIGHTS."

"1. We hold these truths to be self-evident, that all men are created free and equal; that they are endowed by their Creator with inherent inalienable rights; among which are life, liberty, and the pursuit of happiness.

"2. That the true foundation of republican government is the equal rights of every citizen, in his person and property, and in their management.

"3. That the idea is quite unfounded, that on entering into society we give up any natural right. The rightful

* The names of the Tammany candidates to whom the anti-monopolists objected, were Benjamin Ringgold, George Sharpe, Ezra S. Conner and Jesse West; the substitutes proposed were Job Haskell, John W. Vethake, John Windt and Rodney S. Church.

power of all legislation is to declare and enforce only our natural rights and duties, and to take none of them from us. No man has a natural right to commit aggression on the equal rights of another; and this is all from which the law ought to restrain him. Every man is under the natural duty of contributing to the necessities of society; and this is all the law should enforce on him. When the laws have declared and enforced all this, they have fulfilled their functions.

"4. We declare unqualified hostility to bank notes and paper money as a circulating medium, because gold and silver is the only safe and constitutional currency.

"5. Hostility to any and all monopolies by legislation, because they are violations of the equal rights of the people.

"6. Hostility to the dangerous and unconstitutional creation of vested rights, or prerogatives by legislation, because they are usurpations of the people's sovereign rights.

"7. That no legislative or other authority in the body politic can rightfully, by charter or otherwise, exempt any man or body of men, in any case whatever, from trial by jury and the jurisdiction or operation of the laws which govern the community.

"8. We hold that each and every law, or act of incorporation, passed by preceding legislatures, can be rightfully altered or repealed by their successors; and that they should be altered or repealed, when necessary for the public good, or when required by a majority of the people."

The sixth article of the constitution of this association was in the following words:

"No person shall be considered eligible for nomination who has not signed the declaration of rights.

"Each candidate for office shall be required to sign such written pledge as the equal rights party may frame,

enumerating particular measures he is to advocate or oppose."

At this meeting the convention assumed the name of the EQUAL RIGHTS party.

Perhaps no political party ever existed in the state which has been the subject of more severe animadversion and attack than this party. All the chartered moneyed institutions, and the whole influence of associated wealth were against them. The newspaper press of both parties, with the single exception, I believe, of the Evening Post, then conducted by those unshaken and indomitable democrats, William Leggett and William C. Bryant, was loud in its denunciations. The Evening Post did not justify their organization as a distinct party, but it advocated with great zeal and ability many of their principles.

The first glance at the declaration of rights which this association put forth, demonstrates their determination to recur to first principles, and to form their new party solely with reference to the principles of its members, and with an utter disregard to the political party to which the candidate for admission into full communion with the equal rights party had belonged. Some of the most active and efficient movers in organizing this new party were Moses Jacques, Alexander Ming, jr., F. Byrdsall, Levi D. Slamm, John Windt, James L. Stratton, Pascal B. Smith and John H. Hunt. I am but slightly acquainted, personally, with any of these gentlemen. They are reputed to be men of good standing and character, and some of them I know to be talented, honest and patriotic. I can not entertain a doubt but that a large majority of those who engaged in this enterprise did so from a sense of duty, and without the hope or desire of obtaining any especial individual benefit from the political course they were then taking. But like all reformers, they undoubtedly became ultra in some of their political doctrines, among which

may be mentioned the fourth and eighth articles of their declaration of rights.*

At the city charter election in the spring of 1836, the equal rights party nominated Alexander Ming, jr., for mayor, and, as I believe, full charter tickets in most of the wards. The whigs nominated candidates for city officers. Nearly three thousand votes were given for the loco-foco candidates. Mr. Ming received about two thousand seven hundred votes for mayor. These votes were mostly given by persons who had belonged to the democratic party, and the result was, that that year, the whigs had an equal representation with the democrats in the common council; although Mr. Lawrence, the Tammany candidate for mayor, had a large majority over all his opponents.

Immediately after the result of the charter election was known, and on the 15th of April, a meeting of the equal rights party was held at the Military and Civic Hotel, Bowery, at which Dr. Jacques was chosen chairman, and Levi D. Slamm and F. Hasbrouck, secretaries. They were rather cheered than disheartened after this trial of their strength, and manifested a determination to preserve their organization in the several wards in the city, and "maintain it with increased vigilance and perseverance." Before they adjourned, they adopted several spirited resolutions.

Early in the summer of 1836, a committee of the equal rights party, consisting of G. W. Matsell, Daniel Gorham, F. Byrdsall, John Drincker and John Windt, addressed a letter to Col. Young, containing a copy of the "declara-

* In March, 1836, Mr. John Windt, a printer by profession, and a worthy and meritorious citizen, commenced the publication of a daily paper which he entitled "*The Democrat*," and which was regarded as the organ of the equal rights party. I have been favored, by Mr. Windt, with the loan of a file of this paper and have very hastily examined it. I regret that I did not receive it before I had completed the brief history I have attempted to give of the New-York loco-focos, and indeed until after some part of this chapter was in type. A file of the Democrat deserves to be, and I hope will be preserved.

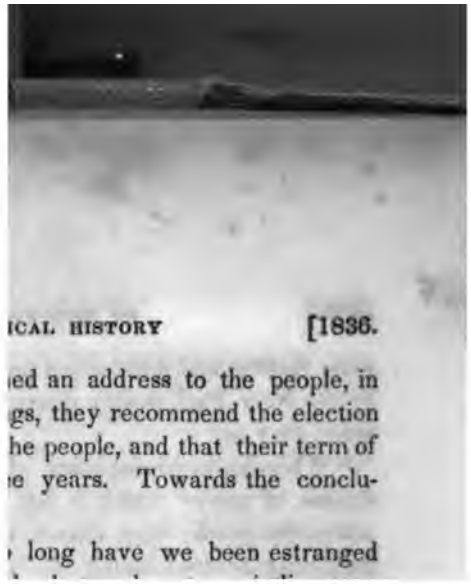
same fearless and determined spirit which was exhibited by the New-York county convention. In their first resolution they say :

"Whereas, in consequence of the long continued possession of power which is but too apt to corrupt those whom the people have chosen to make their laws, either forgetting or contemning the source of their authority, have, for a series of years, legislated for the benefit of a moneyed aristocracy of their own creation, rather than for the people, whose interests and happiness they were chosen to promote and to guard :

"Therefore, *Resolved*, That, in the opinion of this convention, it is an imperative duty which the people owe to themselves and to their children, to recur to *first principles*, and repudiating the prejudices which have bound them to the two contending factions of this state, to select their own candidates, and to honor with their confidence such men only as will conscientiously and fearlessly consult the good of *all* their constituents."

They reiterate and adopt the declaration of rights drawn by Dr. Jacques. Among other resolutions adopted by the convention, the following is worthy of all praise :

"*Resolved*, That as education is essential to the development of the human mind, in whatever situation it may be placed, so it is peculiarly essential to the well-being of a free community, where the right of suffrage is universal, that men should be able to exercise that right intelligently ; and that it is the imperative duty of all men, and more especially of the laboring and producing classes, to use every effort to secure the present and coming generations the blessings of universal education, and that, as patriots, as philanthropists, as Christians, we are called upon to move forward with united purpose, and not rest until, like the breath of heaven, knowledge shall be equally accessible to all."



ied an address to the people, in
gs, they recommend the election
he people, and that their term of
e years. Towards the conclu-

long have we been estranged

Messrs. Tallmadge and Curtis were known to be whigs, *but both of them signed the pledge, that they would support and carry out the principles of the equal rights party as contained in their declaration of rights.*

The whig party in New-York soon *after*, as I am informed, nominated Mr. Tallmadge as their candidate for the senate, and Mr. Curtis for congress. It is not improbable that the intention of the whigs to nominate these gentlemen was known to the loco-foco's before that party nominated them.

The Tammany party had nominated Morgan L. Smith. and again selected Gideon Lee, persons who were peculiarly odious to the loco-focos, as the democratic candidates for congress; and it is probable that the anxiety of the leaders of the equal rights party to defeat these gentlemen, was a principal reason why they placed on their ticket two such distinguished whigs as Tallmadge and Curtis. The whigs, believing themselves to be in the minority in the city, in forming their assembly ticket, selected two of the loco-foco candidates, R. Townsend, jr., and Clinton Rooesvelt.

The election resulted, by the aid of the whig votes, in favor of the following persons, who were originally nominated by the loco-focos:

Frederick A. Tallmadge, senator from the first district; Edward Curtis for Congress; and Robert Townsend, jr., and Clinton Roosevelt for the assembly.

At the charter election in the spring of 1837, the equal rights party nominated and supported an entire ticket, composed of loco-focos proper. The whigs and democrats also severally formed entire tickets. Dr. Jacques was the candidate of the equal rights party for mayor, and they gave him more than four thousand votes. The strong vote given by this party put the whigs in possession of the government of the city.



"§ 7. The legislature shall not borrow money or contract loans in the name of the people: but it may submit bills authorizing public loans to the people, which bills shall become binding when ratified by a majority of the voters at a general election."

It would occupy a larger space than the limits I had prescribed for this sketch will allow, were I to attempt to describe the judicial system proposed by the convention. It is novel and ingenious. It proposes that all the judges shall be elected by the people, and with this single exception, I must be allowed, at the hazard of being charged with heresy, to say, that I think it in some respects preferable to our present system. Among other novelties, is the plan it proposes, to substitute a court of appeals, consisting of forty or more district judges, for the existing court for correction of errors; and what is most curious, and to me entirely new, it proposes, that when these judges are assembled, they shall choose a president; and that thereupon "juries of twelve men each shall then be drawn from the judges present. These juries shall sit by alternation, or as cases may require, in the jury box, hear cases, retire, and bring in their verdicts, in like manner as other juries."

The proposed constitution abolishes capital punishment, and provides that "all frauds shall be punished as felonies." On the subject of legal coercive means of enforcing the performance of contracts, section ten of article eight proposes, that "No law shall be valid for the forcible collection of debts arising from voluntary agreement between individuals, wherein one party relinquishes his right to and possession of any species of property on the promise by the other party of another thing or equivalent. [This section shall apply only to debts contracted after the adoption of this constitution.]"

mittees as the representatives of their respective parties, and finally a declaration of principles, drawn by the equal rights men, was formally adopted by the general committee of Tammany Hall, and the union was effected in October, 1837.

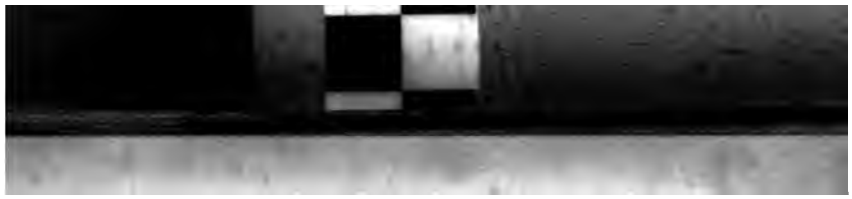
A correspondent possessing a highly enlightened and philosophic mind, after speaking of the loco-foco party, adds—"The workingmen's party and the equal rights party have operated as causes producing effects that will shape the course of the two great parties of the United States, and consequently the destinies of this great republic. The mere party politician cannot see this; but to him who discerns the philosophy of historical events, it will be of deep interest."



"This cheering view of our condition ought to encourage neither prodigality of expenditure nor legislation of doubtful expediency. All appropriations for purposes of internal improvement ought to be made with a view and constant purpose to call into co-operation individual capital and enterprise. Rigid economy ought to be enforced, and perfect accountability exacted, in this as in every other department of the public service."

The governor closes his message with the following very handsome tribute of respect to the merits of the late Gov. Clinton :

"It is now eleven years since this state was suddenly called to mourn the death of a citizen, who illustrated her history by a life of eminent public usefulness. His death happened in the maturity of his manhood, and while yet the wisdom of his policy and the purity of his motives were loudly questioned. Experience has, more rapidly than the almost inspired enthusiasm of his genius anticipated, sanctioned the one, and posterity has made extraordinary haste to vindicate the other. His remains still rest in that vault of a private friend which hospitably received them as a sacred trust, until an auspicious period for more fitting public obsequies should arrive. He is understood to have left to his children no inheritance but what they enjoy in common with all their fellow-citizens—his fame and abounding public prosperity. The custom of honoring the dead commends itself to the natural sentiments of mankind ; and although in ignorant and depraved countries it has been abused by the erection of pyramids, and temples, and tombs, to preserve the ashes of tyrants, it cannot, among an enlightened people, be otherwise than right and expedient to perpetuate the memory of public benefactors, and thus stimulate and encourage emulation of their deeds. Our state early followed the good example, by providing a tomb for the



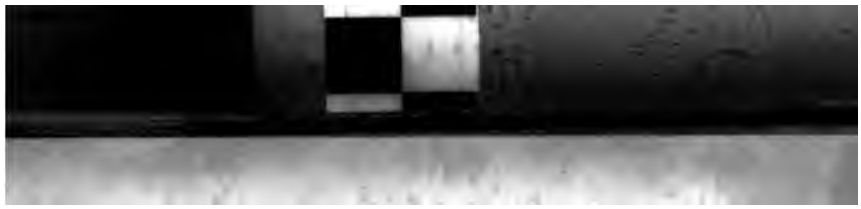
and one would think, the remains of old prejudices on their minds, rendered them indisposed to carry into effect this recommendation of Mr. Seward.

During the month of January, the excellent and amiable Stephen Van Rensselaer died after a long and lingering illness. No citizen of Albany, or perhaps of the state, ever did, or it may be, ever will depart this life more universally, more deeply and more sincerely lamented than this excellent man. He was the friend of the poor, and a bright example to the rich; a benevolent and useful citizen; a Christian and a patriot.

Mr. Taylor of Oneida, who had last year distinguished himself for his opposition to the small bill law, on the first business day of the present session, gave notice that he should bring in a bill for the unconditional repeal of that law, and the next day brought in such bill. A few days afterwards, Mr. Skinner, a democratic senator from the fifth district, introduced into the senate a similar bill. Thus it was, that the leaders of the two parties seemed to be running a race for popularity on the small bill question. The bill brought in by Mr. Taylor, eventually passed both houses and became a law. Mr. Young and Mr. Spraker were the only members of the senate who voted against it.

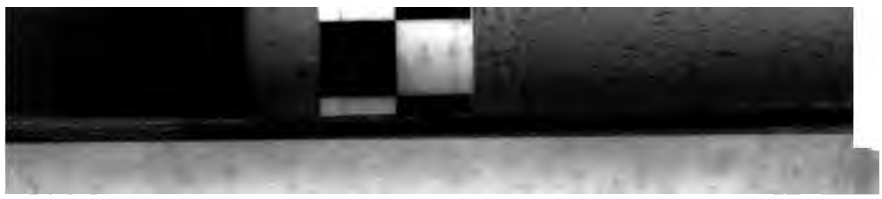
In politics, apparently trifling causes frequently produce great and momentous results; and, as if in confirmation of the truth of this position, there are many who believe that a refusal to pass a law in 1837, authorizing the banks to issue small bills, produced the political revolution which occurred in this state in the autumn of that year. This is my apology for troubling the reader with so minute an account of the proceedings in the legislature on that subject.

On the 31st January a whig legislative caucus was held for the nomination of state officers.



those exertions? These, among other considerations, produced a strong vote in caucus in his favor.

The whigs were much divided in respect to the most proper person to be selected as attorney general. Joshua A. Spencer of Utica, was spoken of as a perfectly fit man for the office, being well known as a sound and able lawyer; and as such his friends urged his appointment. He has few, if any, superiors in the state or nation. Samuel Stevens of Albany, now one of the most eloquent and able advocates in the state, was announced as a candidate. But the southern whigs were in general zealous supporters of Willis Hall, of New-York. At the caucus, Mr. Spencer's name as a candidate was finally withdrawn, and the ballot was taken between Mr. Hall and Mr. Stevens, the result of which, as reported in the Argus, was that the former received forty-five and the latter forty-two votes, whereupon Hall was declared duly nominated. Some complaint was made of the appointment, because Mr. Hall had never been in extensive practice in the state, and was scarcely known as a counsellor of the supreme court, while Mr. Stevens and Mr. Spencer had been long in full and extensive practice. Mr. Hall, however, is a mild, modest man, of considerable legal learning and talent, and distinguished literary attainments. He has, I believe, discharged his official duties with competent ability and great fidelity. John C. Spencer, with whom the reader is well acquainted, and of whom, therefore, I need not speak, was nominated secretary of state. Bates Cooke, of Niagara county, had been a member of congress, and held a very good standing in the part of the state in which he resided. He had been a leading and efficient anti-mason, as will be seen by reference to the chapter which is intended to give the political history of that party. It is not improbable that one reason which led to his nomination for the office of



stances exactly similar. Mr. Paige, as the organ of the majority, made a labored and learned report in justification of their course. My opinion on this question has been heretofore fully and freely expressed. No senator was chosen by this legislature.

The death of Gen. Stephen Van Rensselaer left a vacancy in the board of canal commissioners, which was supplied by the appointment of Samuel B. Ruggles, of New-York, the celebrated author of the report of 1838, on internal improvements.

In the early part of this winter, James Porter, Esq., register in chancery, died. This office, before the late law, which has taken from the register his perquisites and allowed him in lieu of it a salary, was one of the most lucrative in the state. Mr. Porter was an estimable officer, courteous and kind in the discharge of his official duties, and beloved and respected as a citizen. Upon his death, the chancellor tendered the office to Mr. Flagg, but he probably being then assured that he should be appointed, as he shortly after was, post-master at Albany, declined it. The chancellor then offered the appointment to Samuel L. Edwards, a senator from the seventh district, who was dissuaded by his political friends from accepting it, as from the state of public opinion in that district, if the place of Mr. Edwards, as senator, was then vacated, another whig member would have been brought into the senate. After these two refusals, the chancellor appointed his son-in-law, the present register, Mr. J. M. Davison.

The legislature adjourned on the 7th May.

The anticipation of the gubernatorial and presidential elections, although nearly two years were to elapse before those elections were to take place, caused a very high degree of political excitement during this session; and the majority in the two houses of the legislature being politically adverse to each other, very few laws of general im-

man rights, forced him into the support of the doctrines of the abolitionists. Although a warm friend and supporter of Mr. Van Buren, he had, in his Plaindealer, animadverted with uncommon severity on that part of Mr. Van Buren's maugural address which related to the abolition of slavery in the District of Columbia. After the publication of these animadversions, his appointment to an important diplomatic station by the president, was as honorable to Mr. Van Buren, as it was well merited by the great and splendid talents and acknowledged patriotism of Mr. Leggett.

During the summer, Mr. Van Buren, for the first time since his election, visited the state of New-York. He travelled through the state, stopping at all the principal cities and villages. He was every where met and greeted by vast crowds of people of both sexes, and followed by processions of citizens.

I have some where before observed, that Mr. Van Buren was always extremely careful to avoid giving cause to any man to be his personal enemy, and I am quite sure, he had as few personal enemies as any man who had acted so busy a part on the theatre of life. Mr. Van Buren, too, was habitually kind and prepossessing in his intercourse with all men. No man observed more carefully, and practised with better taste, the courtesies of social life. But with all these advantages, I doubt much whether, by this visit, he increased the number of his friends in the state.

Unfortunately, in an address made to him by Mr. Edmonds, former state senator, upon his arrival at New York, he made some remarks which rendered it necessary for Mr. Van Buren, in his reply, to speak of political parties and his own political friends in this state, and of course to express his strong attachment to those friends. This gave occasion to the whigs to represent that instead of coming on a visit to the whole people, as a president

Buren in the sister states, while it animated with fresh courage and added new vigor to the whigs. Although the whig majority in the assembly was considerably diminished, the result of the election for senator in the third district in favor of the whigs, where there were three vacancies, gave that party a majority in that body. Until this election, the democratic party had held a majority in that permanent branch of the legislature since the year 1818. It was to them a mighty and appalling change. The election in the third district was very close, that veteran politician Gen. Erastus Root, being declared elected by a majority of some four or five votes only.*

The senators elected were :

From the	First	District,	Minthorne Tompkins, a son of the late vice-president,
"	Second	do.,	John Hunter,
"	Third	do.,	Mitchell Sanford, Friend Humphrey, and Erastus Root,
"	Fourth	do.,	James G. Hopkins,
"	Fifth	do.,	Sumner Ely,
"	Sixth	do.,	Andrew B. Dickinson,
"	Seventh	do.,	Mark H. Sibley,
"	Eighth	do.,	Abraham Dixon.

The members elected from the first, second and fifth districts were democrats ; those from the five other districts were whigs. Judge Spencer was first nominated as the whig candidate in the seventh district, but declined ; after which Mr. Sibley was nominated and elected.

* Mr. Friend Humphrey, of Albany, obtained a much stronger vote than any of the other candidates. As a citizen Mr. Humphrey is universally, highly and deservedly esteemed. It is, I hope, no evidence of a want of respect for the other candidates, to express an opinion that in so close an election the personal popularity of Mr. Humphrey secured the success of the whig ticket in the third district.

expectations of the whigs. Harrison had, at the last presidential election, been a defeated candidate, and many whigs doubted his capacity to discharge properly the duties of the supreme national executive. Subsequent events proved that the impressions of both parties were erroneous, and that the partiality in this country for military fame exists, as I have before observed, to as great an extent as in any other.

The legislature assembled on the seventh of January, 1840. Mr. Patterson was re-elected speaker against Mr. L. S. Chatfield, a member from the county of Otsego. Mr. Chatfield, when he entered the assembly in 1839, was entirely inexperienced in legislation and in public life, but he soon afforded evidence of vigorous intellectual power and a clear and remarkably logical mind. His talents, zeal and firmness soon placed him in the front rank of the little band of democrats who that year were elected to the assembly. He was charged with being ultra democratic and an over zealous partizan. But if this allegation was well founded, it is an error common to young and ardent, but honest politicians. The result of the vote was, for Patterson sixty-eight, Chatfield fifty-six.

The governor's message occupies thirty-one pages of the journal of the senate.

He informs the legislature that the nett proceeds of the tolls received from the canals, without taking into the account the interest on the canal debt, is one million fifty-seven thousand eight hundred and two dollars seventy-four cents; and that the capital of the school fund is one million nine hundred seventy-eight thousand sixty-nine dollars and sixty-three cents.

He recommends that foreigners who come to settle among us, should be permitted to have their children educated by teachers who speak their own language, and profess the same religious faith with themselves, and should at the

tives from justice between sovereign and independent nations, as defined by the law of nations, include only those cases in which the acts constituting the offence charged are recognized as crimes by the universal laws of all civilized countries; that the object of the provision contained in the constitution of the United States, authorizing the demand and surrender of fugitives charged with treason, felony or other crime, was to recognize and establish this principle of the law of nations in the mutual relations of the states as independent, equal, and sovereign communities; that the acts charged upon the persons demanded were not recognized as criminal by the laws of this state, or by the universal laws of all civilized countries; and that consequently the case did not fall within the provision of the construction of the United States.

"The governor of Virginia in his last annual message referred the subject to the consideration of the legislature of that state, and declared that my construction of the constitution of the United States could not be acquiesced in or submitted to. He added that if it were allowed to prevail, and no relief could be obtained against what he designated as a flagrant invasion of the rights of Virginia, either by an amendment of the constitution of the United States, or by the action of the legislature of Virginia, it might ultimately become the important and solemn duty of Virginia to appeal from the cancelled obligations of the national compact to original rights and the law of self-preservation.

"I confess my surprise that it should in any part of the union be regarded as a new and startling doctrine that the constitutional power of the executive of any other state to demand the surrender of a citizen of this state, to be carried to the former and tried for an offence committed there, is limited to cases in which the offence charged is recognized as criminal by the statute laws of this state,

River and Genesee Valley canals been known, (and he might have added the widening of the Erie canal,) it was doubtful whether those works would have been undertaken. He further says that his former recommendation, in relation to the speedy completion of the works was based on the assumption that the estimates of the agents of the state were correct.

He indignantly condemns the doctrine that a subsequent generation will have a right to repudiate the debt created by the present, and he repels the charge that they will attempt to do so as a foul slander upon posterity.

The governor then goes into an able and eloquent, but long and laborious defence of internal improvements by roads and canals.

The message, like every thing else written by Mr. Seward, is in good style and evinces talents as a writer of a high order.

The whig party had now the entire control of the state government. The executive and both branches of the legislature were in their hands. Their first act was to re-elect Mr. Tallmadge to the senate of the United States. He received in the senate nineteen votes, that being the number of whig senators, and in the assembly the usual party vote.

Col. Young, when called on in the senate openly to nominate a senator, attempted to make a speech, in which he proposed to set forth the reasons for the vote he was about to give. He was called to order, and the president of the senate decided he was not in order. On appeal to the senate, a majority voted to sustain the decision of the chair. I mention this occurrence, not for the purpose of imputing blame either to Col. Young or the lieutenant governor, but because to me the question of order on this occasion decided and settled is new. [See Note L.]

For many years a large majority of the canal commissioners had been active democratic politicians, and at the present time, four of the five were men of that description.

On the 13th of February, Mr. Tallmadge offered in the senate a concurrent resolution, that the two houses would proceed to nominate and appoint five persons to fill the office of canal commissioners in the place of Samuel Young, John Bowman, William C. Bouck, Jonas Earll, and William Baker. This resolution, after some discussion, was passed by a vote of seventeen to eleven; and Asa Whitney, S. Newton Dexter, David Hudson, George H. Boughton, and Henry Hamilton, all decided whigs, were appointed by a vote of both houses in lieu of the gentlemen first named.

It has been reported, and I have no doubt correctly, that at the first whig legislative caucus, a majority of the members were for retaining Mr. Bouck, being under the impression that his experience and practical knowledge would be absolutely necessary for the new board; but the pressure of candidates and their friends for the office of canal commissioners was so great, that it could not be resisted, and the resolution to retain Mr. Bouck was afterwards rescinded.

A bill was reported to the senate by Mr. Tallmadge, providing for the registry of the names of qualified voters in the city of New-York previous to an election. It was opposed by all the democratic members, but finally passed that house.

I have omitted to mention, that at the last November election, the democratic party achieved a signal triumph in the city of New-York, electing their members of the assembly by large majorities. When, therefore, the registry bill reached the assembly, it was attacked with great zeal and bitterness by the New-York members. They contended that it was wrong in principle; and that it was

An electoral ticket was at the same time formed by the convention and recommended to the people. Samuel Young and George P. Barker were nominated for state electors.

After the convention had dispatched its ordinary and regular business, RICHARD D. DAVIS, now a member of congress from Dutchess county, for more than two hours, addressed the members, together with a crowded and numerous auditory collected from Syracuse and its vicinity, in an extemporaneous speech on the political topics which then excited the public attention, with great skill and ability as a forensic debater, and in a style of eloquence scarcely if ever before surpassed by any orator in the state.

The whig convention nominated for re-election, Gov. Seward and Lieut. Gov. Bradish, and selected and presented candidates for presidential electors, who if chosen would vote for Gen. Harrison.

The political field was now fully occupied, and the ardor and excitement of the two parties already very great, continued daily to increase until the close of the polls of the election in November. Considerable fuel was added to the fire which already raged by the large mass meetings which were held at New-York, Syracuse, Poughkeepsie, &c., were ten, twenty and thirty thousand people were said to have collected together at one time. Whether any real benefit to the people and to our civil institutions is likely to be produced by this sort of gatherings, is a question upon which candid and intelligent men of both parties ought to consider before they permit the custom to become established among us. Another circumstance which added to the excitement was, that contrary to all former precedents, men of high character for talents and influence in society, of both parties, were seen travelling from one end of the state to the other,

1. Both parties, whigs and democrats, constituting the whole people of the United States, with the exception of a few men called conservatives, disapproved of, and condemned the pet bank system.

2. The pet bank system being rejected, there was only one alternative, which was, to sustain the independent treasury scheme, or establish a bank of the United States. I therefore infer that,

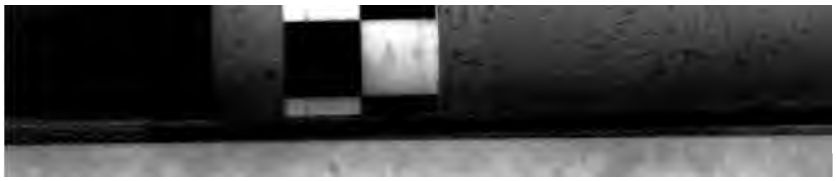
If, at the election in 1840, a majority of the people of the nation preferred a national bank to the sub-treasury system, then Mr. Van Buren was beaten because a majority were dissatisfied with his measures; otherwise the loss of his election was owing to other causes than disapprobation of his *measures*.

It is evident, that at the time of the Harrisburg convention, the whigs themselves did not believe a majority of the people of the United States were in favor of a national bank; for had they so believed no rational man can doubt they would, either by resolution or address, have announced themselves in favor of such an institution, and stated *that* as the cause of their opposition to the re-election of Mr. Van Buren. For the purpose, then, of submitting one or two other remarks, I shall assume that at the election in 1840, a majority of the electors preferred the independent treasury to an United States bank.

Mr. Van Buren's private character was admitted to be without a blemish, and all will admit that he was as competent, and probably a majority of the intelligent part of community will admit that he was more competent, on the score of talent, to administer the government, than Gen. Harrison.

What then were the causes of his defeat?

First, He was held responsible for all the supposed or real errors (and who is without them?) of Gen. Jackson, while at the same time he had not those fascinating traits

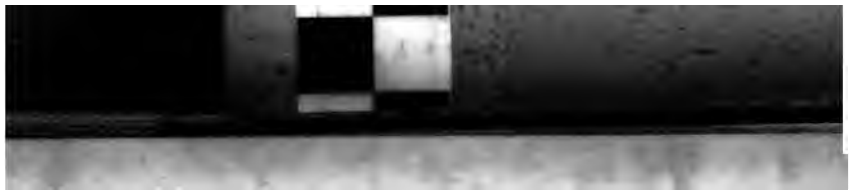


in this state had the president have called into his cabinet a man of the tact and talent and political address and influence of Gov. Marcy?

Third, Mr. Van Buren was a native, not of a southern—but of New-York—a northern state; and sixty years experience must have convinced all reflecting men that it is with great reluctance the people of the southern states can be brought to support a northern candidate for the presidency. What is the fact? The government has existed for three score years, during which twelve presidential elections have occurred, and before Mr. Van Buren's time we have seen that south of the Potamac rarely has a vote been given to a northern candidate. Mr. Van Buren was charged with a disregard to the wishes and interest of his northern friends, and of subservience to the south. He was blamed because he did not repudiate the assertion that he was "A northern man with southern principles" [feelings]. By this means he lost many of his northern friends, while, as appeared from the election of 1840, he failed of securing the south. Another cause, perhaps more efficient than any other, was that from the time of the publication of his message to the extra session of congress in 1837, the whole banking interest was against him. It is true, as I have before stated, that there were many highly reputable bankers who individually and in good faith supported Mr. Van Buren; yet I take it that it may now be assumed as a historical fact that the mass of that interest was against him. How invisibly and yet how powerfully that interest can act, cannot be dilated upon here. There are few reflecting men at the present day who are not aware of its mighty power. These circumstances, together with the desire of novelty and change incident to the people in all popular governments, were among the causes which produced Mr. Van Buren's defeat.

this long period of time when the public mind can be pronounced to have been in a state of perfect repose. The contests between parties have been incessant, fierce and at times ferocious—each party charging the other with designs fatal to the prosperity of the state and the rights of the people. The prostration or fall of one party has alternately produced the elevation of the other, which continued until that other party, in its turn, was overthrown. But it is highly creditable to the principles of our government, and a source of unspeakable consolation to the patriot, that notwithstanding these contests between powerful and popular individuals, the tremendous and continued conflicts between belligerent parties, and the alternate triumph of the one over the other, the state has steadily advanced in wealth, in population and in physical and intellectual power, with a rapidity heretofore unequalled, (may I not say,) by any community on earth.

No insurrections have occurred, and our party contests, though ardent and bitter, have never been stained with blood—all controversies have been decided by the fiat of the people, silently and quietly announced through the medium of the ballot box. The great land marks of human liberty and human rights, designated in our state and national constitutions, have been sacredly regarded by an immense majority of the people, to whatever party they may have belonged; and whenever party leaders have attempted to pass these boundaries, they have been promptly and signally rebuked by the sovereigns of the land—the freemen of the state. But we have not only *preserved* the rights secured to us by the constitution of 1777—we have established more effectual barriers for their protection—we have deepened the channel and extended the boundaries of human liberty—negro slavery has been abolished—the laws of New-York now refuse to recognize a property of man in man—the liberty of the press

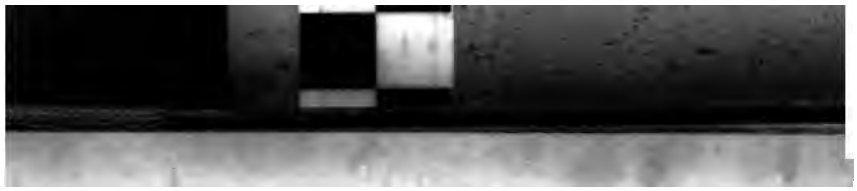


color, can participate in the knowledge diffused by these institutions.

How are these invaluable—inestimable rights, to be preserved? How is the continued prosperity of the state to be insured?

Let me not be told that all is safe, and that no danger is to be apprehended; that more than three score years have elapsed since we sprang into existence as an independent sovereign republic; that notwithstanding the turbulence and high heat of party strife, and the whirlpools of faction, which from time to time have threatened the destruction of our institutions, all things still remain as they were; that the experiment has been successfully made, and that we may safely anticipate the perpetual enjoyment of our civil and religious rights. *I am firmly convinced that it would be unwise in us to confide in these representations, and relinquish that unceasing vigilance which we have been solemnly assured is the price of liberty.*

The great mass of emigrants from Europe are composed of a class of men the least enlightened and most vicious of the inhabitants of that continent, and the tide of emigration from the old world, has for several of the last years, been astonishingly great, and is increasing. I feel compelled to add, that we ought not to conceal from ourselves the fact that a considerable portion of our own native citizens are but little enlightened; and that among other vices, that of intemperance, to a certain extent, still prevails among us. When, therefore, we recollect that the right of suffrage is now universal, and that the majority of the people are our sovereigns, is there not reason to fear that the elements of ignorance and vice which still exist among us, will combine and produce an explosion which will bury in ruins this fair fabric of liberty and law, erected by the labors and cemented by the blood of



fully our duty to those foreigners who flock to us to obtain the means of subsistence and protection, and also to our own children, by whom I mean all the children of the republic, then, indeed, there is reason to believe that the most sanguine hopes of the patriot will be realized; that the march of the EMPIRE STATE to wealth and power will be onward, and onward; and that she will be distinguished as well by her moral elevation and intellectual superiority, as by her wealth and physical power.

In *Vol.* I, p. 122, in mentioning the fact that Mr. J. O. Hoffman resigned the office of attorney general, and that Judge Spencer was appointed his successor, it is further stated that in 1801, when the judge was a member of the council of appointment, all the heads of the executive department were removed except Mr. Hoffman, who, although a zealous federalist, was not disturbed; and it is inferred that Mr. Spencer desired the office, but from delicacy declined receiving the appointment while he was a member of the council, and that there was an understanding between him and Mr. Hoffman, that in case the next council of appointment should be democratic, the latter should resign the office. I am told that Judge Spencer affirms that no such understanding existed. Of course what I have stated by way of inference must be incorrect.

I seize this occasion further to remark, that I have, through the whole work, availed myself of a liberty or privilege which I supposed was universally allowed to those who undertake to write the history of the actions of men, to assume that they acted from such motives as I thought were fairly deducible from any given action and the circumstances under which the particular act was done. Whether I am correct, the reader can judge as well, and many readers much better than I. In this way I have ascribed motives and views, in a great variety of instances, to such leading politicians as Clinton, Spencer, Van Buren, Young, Tompkins, and many others, which may or may not be the true motives. In none of these cases do I mean to assert the existence of the motive as a fact *known to me*, or as susceptable of being proved by positive evidence, but it is inferred from the act itself, in connection with the circumstances which attended it.

In *Vol.* I, p. 381, the fact that at the extra session of 1814 a bill was brought into the assembly by Col. Young which passed both houses of the legislature, for raising two regiments of colored men to serve in the army for three years, is mentioned; and the conduct of Mr. Young, in the convention of 1821, when he contended that the right of suffrage of colored citizens ought to be restricted to freeholders, is alluded to as inconsistent with the course he took in 1814. This intimation is unjust as respects Colonel Young. Gen. Root, in the convention, opposed allowing the negroes the privilege of voting on the ground that they did not perform military duty; and at the time I wrote the paragraph in the first volume, an impression was on my mind that Col. Young at that time concurred with Gen. Root. When I examined the reports of the convention with a view of presenting a digest of its proceedings, I found I was mistaken, as will be seen by a reference to *vol.* II, *p.* 18; but I forgot to correct the paragraph in the first volume before it was stereotyped and published. Col. Young advocated the restriction of the right of voting to colored citizens who were freeholders, upon the ground that a legislator, in making laws or framing constitutions, ought to adopt his system to the state of society as it actually is; that the blacks were, in point of fact, too ignorant and too degraded; that (conceding that it was wrong to have reduced them to that condition) they were an unsafe depository of the right of suffrage. (*See vol.* II, *page* 18.)

In speaking of the resolution of the assembly, (*vol.* I, *p.* 83,) to dismiss the complaint against JUDGE COOPER of Cooperstown as "frivolous," while I express an opinion, that the testimony produced against him did not prove him guilty of any *official* misconduct, I at the same time allege that the complaint was not frivolous; but by this allegation, I do not mean to be understood, that Judge Cooper, as a private citizen, was proved guilty of acting corruptly. Mr. Cooper was an ardent and zealous man. Whatever he did, "he did with all his might;" and I have no doubt, that he occasionally supported the political party with which he acted on some occasions, with intemperate and indiscreet zeal. This, at any rate, is what I intended to intimate in the text. He was one of the most enterprising and useful pioneers to the great west; and the county of Otsego is deeply indebted to him for its early settlement and organization.

In page 466, of the same volume, speaking of Mr. George Tibbits of Troy, I by no

with the Crawford members from this state, *some days before the election*, I was led to believe that on the second ballot they would vote for Mr. Adams. But I did not assert the fact on such grounds. In the year 1841, I was told by a leading and impartial friend of Mr. Adams, then a member of the House of Representatives, that *he knew the fact*, that the Crawford members from this state would after the first ballot have voted for Mr. Adams. I am happy to add that I am now well satisfied that the gentleman last referred to was sincere in the assurance which he gave me, that some time before the election several of Mr. Crawford's friends had assured him that such would be their course, and he had never been informed of the caucus I have mentioned when the persons with whom he conversed changed their determination. My friends did not intend to deceive me, but was himself deceived.

(NOTE D. REFERRED TO ON PAGE 246.)

Mr. Viele, though an ardent friend of Mr. Clinton, was an original Jackson man. When the presidential electors were chosen by the Legislature in 1824, although not then a member, he was at Albany, and in conjunction with S. De Witt Bloodgood and Samuel Swartwout, urged with great zeal and address, the choice of Jackson electors. He continued during his life to be a warm friend and supporter of Gen. Jackson. He was one of the most efficient friends of Gov. Clinton in the county of Saratoga, where he resided, when he was elected to the Senate. Frank, generous and warm-hearted he was personally popular, and had many cordial friends. He was one of the most eloquent men in the Senate.

(NOTE E., REFERRED TO ON PAGE 288.)

It is probable that one other consideration had some effect in inducing a preference for the nomination of Mr. Throop. On the trial of an indictment against Lawson and others, for the abduction of Morgan in the winter of 1827, at Canandaigua, Mr. Throop in sentencing the accused had uttered sentiments highly satisfactory to the Anti-Masons—(see page 376)—and it was hoped that he would receive many anti-masonic votes, whereas Pitcher was a mason, and if he was the candidate, nothing but opposition from the anti-masons would be anticipated.



(Note H.. Referred to on Page 155.)

Notwithstanding what is said in the note subjoined to page 155, I am now enabled to state that Gov. Clinton was not the author of Buffalo. The numbers signed Buffalo and Schoharie, as well as several other humorous pieces written in the same style, were written by S. De Witt Bloodgood and Charles A. Clinton. Of the twelve numbers which appeared under the signature of Buffalo, six were the production of Mr. Bloodgood and six of Mr. C. A. Clinton. I state this fact on the authority of Mr. Bloodgood himself—but I ought to add, that I do so without his request.

(Note I., Referred to on Page 171.)

A little before the meeting of the Utica Convention, a pamphlet to which the signature of "Broome" was affixed, was printed and extensively circulated through the state. It discussed with freedom the merits of the gentlemen who had been mentioned as suitable candidates of the people's party for Governor, and urged with great force the superior claims of Mr. Clinton. The views presented in this pamphlet probably produced more effect than any other publication of that day. It was written by S. De Witt Bloodgood, Esq., then a young man possessing talents as a writer of high order, and a great activity and energy of character.

(Note J., Referred to on Pages 455 & 459.)

his is an error. Judge Bronson succeeded Judge Sutherland, and Judge Cowen supplied the vacancy produced by the resignation of Chief Justice Savage.

(Note K., Referred to on Page 308.)

The criticisms on the style of Gov. Throop contained in my former editions are omitted in this: and the three following paragraphs have been substituted because on reflection I am satisfied those criticisms are unjust; but if they were just, they are unsuited to a work of this kind.

By the rules of the House of Representatives in Congress even a motion to excuse a member from voting on a pending question, must be made, not when the member's name is called in its alphabetical order, but before the House divides, for before the call of the yeas and noes is commenced. The question is then to be taken without further debate. See rule 30, as published in 1837.

In the 3d place. This law of parliament and express rule are in conformity to right reason. For if one member be permitted, during a division, to give his reasons for his vote, this would of course involve the whole merits of the pending question, and every other member must consequently be at liberty to answer him. This would necessarily draw on a general discussion. If this may be permitted in relation to any one member, it must, of course, be in regard to every other, as his name is called in alphabetical order: and the division, or final vote on the question, might be continued for days. The mischiefs of such a course can be too easily imagined to require particular statement. All this would be true in an ordinary case; but in the case referred to, as has been before remarked, the senate was discharging a specific duty expressly prescribed by statute That duty was required to be performed on that day. Suppose the senator in question had been permitted to give "*his reasons*," and a general discussion had followed, which occupied the whole day, would not the statute have been evaded, and an important appointment have been defeated? The statute having fixed the day after its enactment for the appointment, could it have been made on any other day, without a new statute to that effect? The general opinion seemed to be that it could not. So at least it was considered the year before under the former statute, which had been evaded; and hence the supposed necessity for the new statute. If it should be said that the *time* indicated in the statute for the appointment was merely *directory* and not *mandatory*, and that it, therefore, was not essential; or that the proceeding having been commenced on the day fixed by the statute, although it should not have terminated until some days after, yet the result would have referred back to the time of the initiatory step, and the whole proceeding have thus been a substantial and effectual compliance with the statute, I would answer, even admitting that it might be so, which, however, I by no means do, yet, in a case like that in question, would it have been wise to leave it still a subject of doubt and agitation? The former statute had been, in my judgement, most unlawfully and unconstitutionally evaded, and the state, with all her immense interests concerned, had already been for the year past, in consequence, deprived of her full representation in the senate of the United States. Would it have been wise to have left, even in doubt, a continuance of such a state of things?

If it be said that this is an *argumentum ab inconvenienti*, and often used rather to indicate what the law should be, than to show what it actually is, I answer, that I have already stated what the parliamentary law and express rule are. My object, in this third place, is merely to show that this parliamentary law and express rule are founded in, and fully sustained by right reason. The law, in this case, I consider as long since and well established; and its application is of frequent occurrence, and has been uniform.

The case, where the question is first put on the *affirmative* side separately, and then on the negative, is different, and is governed by a different rule. There the law of parliament permits a member, after the question is put, and the vote taken on the affirmative side, and before the negative is put, to speak. Even amendments may be offered, and the general discussion renewed, upon the ground that it is no full question until the *negative* is put. But in that case the whole question must be put over again, for the very obvious reason that the minds of those who had voted in the affirmative may have been changed by the new discussion.

But, in the case in question referred to by you, the *affirmative* and *negative* of the

INDEX TO VOLUME II.

A.

ACT, for the appointment of Revisers of the Statutes, 122. Called "the Hold Over Law" passed, 129. To create a Superior Court, New-York, 278. Jones, Oakley and Hoffman appointed Judges thereof, 279. To preserve the purity of elections, 514. Registry act for New-York, passed, 525.

ABOLITION SOCIETIES organized, 455-6.

ADAMS, JOHN, and Jefferson, both died, 4th July, 1826, 230.

ADAMS, JOHN Q., elected President by House of Representatives, 189. Public feeling towards him, 127.

ALBANY REGENCY, members of, 157.

ANTI-MASONS, nominate F. Granger for Governor, and J. Crary for Lieutenant Governor, 294. Become a political party, 338. Established Albany Evening Journal, 338. Amalgamate with Whigs, 430.

ANTI-MASONRY, Political History of, 369-403.

ASSEMBLY, description of, 1826, 194. Of 1828, contains much talent, 263. Character of, 325.

B.

BANK commissioners, 336. Pressure on Legislature for bank charters, 447. Banks suspend specie payment, 470.

BANK U. S. bill vetoed by the President, 419. United States deposits removed, 434.

BARSTOW, G. H., member of Assembly, 437. Declines re-appointment of State Treasurer, 510.

BEARDSLEY, SAMUEL, appointed United States District Attorney, 122. Appointed Circuit Judge, declines, and Hiram Denio appointed, 437. Appointed Attorney General, 463.

BEARDSLEY, LEVI, re-elected Senator, 315. Great vote for him in Sixth District, 315.

BECK, NICHOLAS F., Adjutant General, death, character, 340.

BETTS, SAMUEL R., nominated Judge of Supreme Court, 111. Rejected, 112. Appointed Circuit Judge, 113.

BIRDSALL, JOHN, resigns the office of Circuit Judge, Addison Gardner appointed, 312.

BLOODGOOD, DE WITT, appointed Aid to Gov. Clinton, 167.

BOUCK, WILLIAM C., nominated for Governor, 526.

BRADISH, LUTHER, elected to Assembly, 263. Speaker, 420. Nominated for Lieutenant Governor, 495. Elected, 498.

BRONSON, GREENE C., appointed Attorney General, 304. Judge of Supreme Court, 459.

BUEL, JESSE, nominated for Governor, 461.

to the People, 80. Bacon's speech on giving his final vote, 81-3 Farewell speech of the President, 84.
CONVENTION AT UTICA, proceedings of, 170. At Albany, in favor of Domestic Manufactures, 256. At Albany, of Adams men, 16th June, 1828, 262.
COOKE, BATES, appointed Comptroller, 511
COUNCIL OF APPOINTMENT of 1822, 91.
COWEN, ESEK, appointed Circuit Judge, 280. Appointed Judge of Supreme Court, 455.
CRARY, JOHN, elected to Assembly, 132. Refuses to decline as candidate for Lieut. Governor, 265-7.
CRAWFORD, WILLIAM H., favorite candidate for President of Mr, Van Buren and his friends, 128. Nominated President by a caucus of members of Congress, 149.
CROLIUS, CLARKSON, chosen Speaker, 185.
CROSWELL, EDWIN, and I. Q. LEAKE, appointed State Printers, 121.
CROSWELL, EDWIN, character as an editor, 122-3. Further remarks on his character as an editor, 524.

D.

DAVIS, GEN., elected Speaker, 343.
DAVIS, RICHARD D., speech at Syracuse, 527.
DE WITT, SIMEON, death and character, 443.
DICKINSON, DANIEL S., nominated Lieutenant Governor, 526.
DIX, JOHN A., appointed Adjutant General, 341. Secretary of State, 431.
DUDLEY, CHARLES E., elected United States Senator, character, 302-3

E.

ELECTION OF PRESIDENTIAL ELECTORS, by the people, advocated by opponents of Crawford, 131.
ELECTION, of 1825, majority of Legislature chosen opposed to Clinton, 205-6.
ELECTORAL LAW, committee of nine appointed thereon, 141. Proceedings of committee, 144. Bill for same, and proceedings on in Assembly, 145-6. Passes the Assembly, 146. Proceedings on in Senate, 150-4.
EMMET, T. A., death, 261.

F.

FLAGG, A. C., appointed Secretary of State, 214. Comptroller, 431.

G.

GOODELL, RICHARD, elected Speaker, his character, 140.
GRANGER, FRANCIS, supports Chenango and other lateral canals, 251. Nominated Lieutenant Governor by National Republicans, declines nomination for Governor by Anti-Masons, 295-6. Nominated for Governor, 334. Also in 1832, 417.
GRIDLEY, PHILO, appointed Circuit Judge, 488.
GROSS, E. C., member of Assembly, death and character, 310.

H.

HAIGHT, JACOB, State Treasurer, 512.
HALL, WILLIS, appointed Attorney General, 511.

NEW-YORK PATRIOT, established to oppose election of Crawford, edited by C. K. Gardiner, 130.

NOAH, M. M., editor of the National Advocate, Sheriff of New-York, 129. Supports Clinton and Pitcher, 235. Nominated Surveyor of port of New-York, 331. Character, 334.

O.

OLCOTT, THOMAS W., perfects the Safety Fund Project, his talents and character, 298-9.

OLIVER, WM. M., elected President of Senate, 326.

P.

PATTERSON, GEORGE W., elected Speaker, 504. Re-elected Speaker, 519.

PEOPLE'S PARTY, 131. Recommend convention at Utica, 158. Their triumph at the election in 1824, 175. Its materials discordant, 183.

PITCHER, NATHANIEL, nominated for Lieutenant Governor, 233. Elected, 235. Acting Governor, 277. His disgust at the nomination of Throop, 288.

PORTER, PETER B., appointed Secretary of War, character, 261.

PRESIDENTIAL ELECTION, result of canvass in 1824, 187. In the House of Representatives, United States, 189-90 Vote of the members from the State of Yew-York on that question, 191.

R.

RESOLUTIONS, disapproving of Governor's making a speech to the Legislature, 89. Substitute for same offered by Mr. McKown, 90. By Mr. Morse, to abolish titles passed, 123-4. Reconsidered, 124. Extending right of suffrage, and the election of Justices by the people, 217. By Wardwell, for protecting domestic manufactures, 265. Respecting surplus revenue of United States, 353. Against re-chartering United States Bank, 407.

ROBINSON, PETER, chosen Speaker, 293.

ROCHESTER, WILLIAM B., resigns his office as Circuit Judge, and is appointed Minister to Panama; 225. Difficulties in selecting a successor, 225-8. Nominated for Governor by Herkimer Convention, 233.

ROMAINE, SAMUEL B., elected Speaker, 67.

ROOT, ERASTUS, elected Lieutenant Governor, 106. Chosen Speaker of the Assembly, 242-262. Nominated for Governor by Working Men's Party, 332. Opposes the Jackson Party, 411. Elected Senator by Whigs of the Third District, 517.

RUGGLES, CHARLES H., appointed Judge of Second Circuit, 348.

RUGGLES, SAMUEL B., appointed Canal Commissioner, 573.

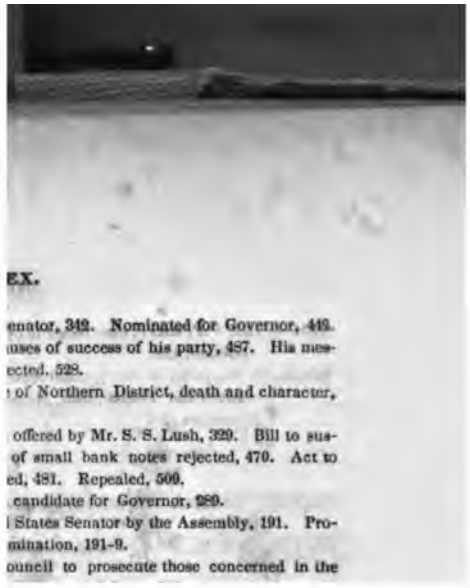
S

SAFETY FUND LAW, projected by J. L. Forman, 297. Bill for, becomes a law, 301.

SANFORD, NATHAN, appointed Chancellor, 111. Chosen United States Senator, 211.

SAVAGE, JOHN, appointed Chief Justice of Supreme Court, 111. Appointed United States Treasurer, and declines, 293. Resigns, 458.

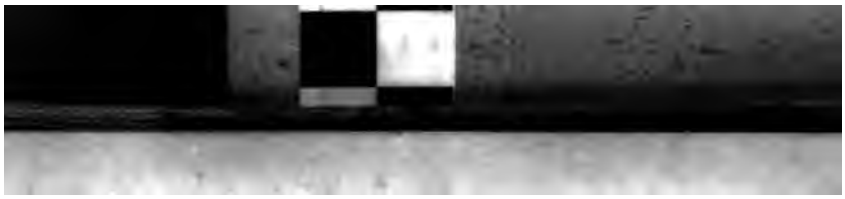
SENATORS, the names of those first elected under the new constitution, and remarks upon them, 102



EX.

enator, 342. Nominated for Governor, 418.
uses of success of his party, 487. His mes-
ected, 528.
of Northern District, death and character,

offered by Mr. S. S. Lush, 329. Bill to sus-
of small bank notes rejected, 470. Act to
ed, 481. Repealed, 509.
candidate for Governor, 289.
States Senator by the Assembly, 191. Pro-
mination, 191-9.
ouncil to prosecute those concerned in the

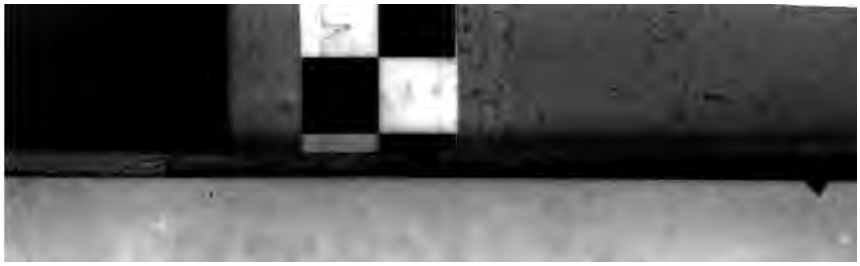


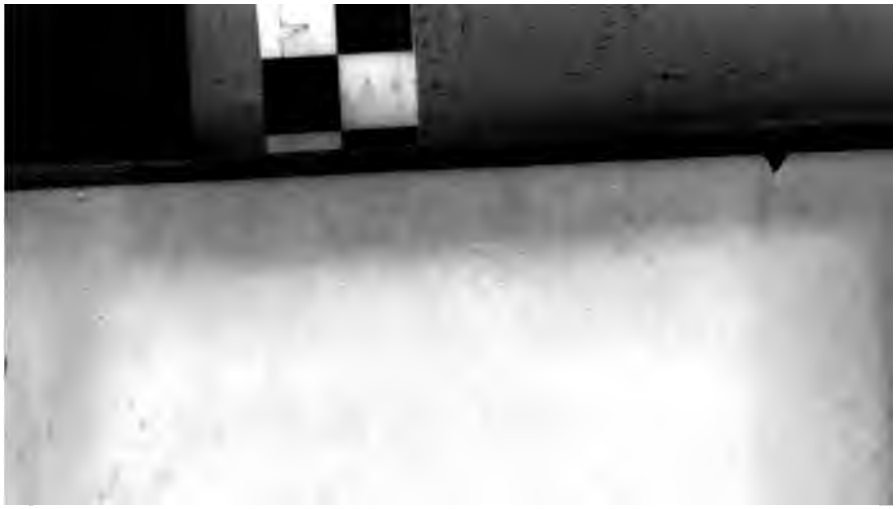
W.

WALWORTH, REUBEN H., appointed Chancellor, 290.
WARD, JASPER, resigns his seat in the Senate, having been charged with bribery, 216.
WEED, THURLOW, his character, 338–40. Appointed State Printer, 594.
WELLS, JOHN, death and character, 135.
WHIGS, great triumph at election in 1837, 479. Their success in 1839, 517
WILKINS, SAMUEL J., member of Assembly, 140.
WOODWORTH, JOHN, appointed Judge of Supreme Court, 114.
WORKING MENS' PARTY, 330.
WRIGHT, SILAS, Jr., appointed Comptroller, 304. Elected United States Senator, 424. Re-elected, 465.

Y.

YATES, JOHN VAN NESS, appointed Secretary of State, 114.
YATES, JOSEPH C., candidate for nomination for Governor, 98. Nominated in caucus, 100. Elected, 101. His Message, 107. Nominates Spencer, Platt and Woodworth, Judges, of Supreme Court, 108. Their nomination rejected by Senate, 109. Causes, 109. Message in 1824, 140. Opposes an electoral law, 141. Becomes unpopular, 154. His disappointment, 166. Calls an Extra Session of Legislature, 166. Proceedings of Legislature when convened, 168.
YOUNG, SAMUEL, candidate for nomination for Governor, 99. Nominated for Governor, 156. His letters to Hudson and Jesse Clark, 174. Elected Speaker of the Assembly, 444. His course in Senate relative to internal improvements, and State expenditure, 557–8.







STANFORD UNIVERSITY LIBRARIES
STANFORD AUXILIARY LIBRARY
STANFORD, CALIFORNIA 94305-6004
(415) 723-9201
All books may be recalled after 7 days

DATE DUE

F/S JUL 0 1 1996

JUN 0 7 1996